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Arthur Herman on Robert Conquest

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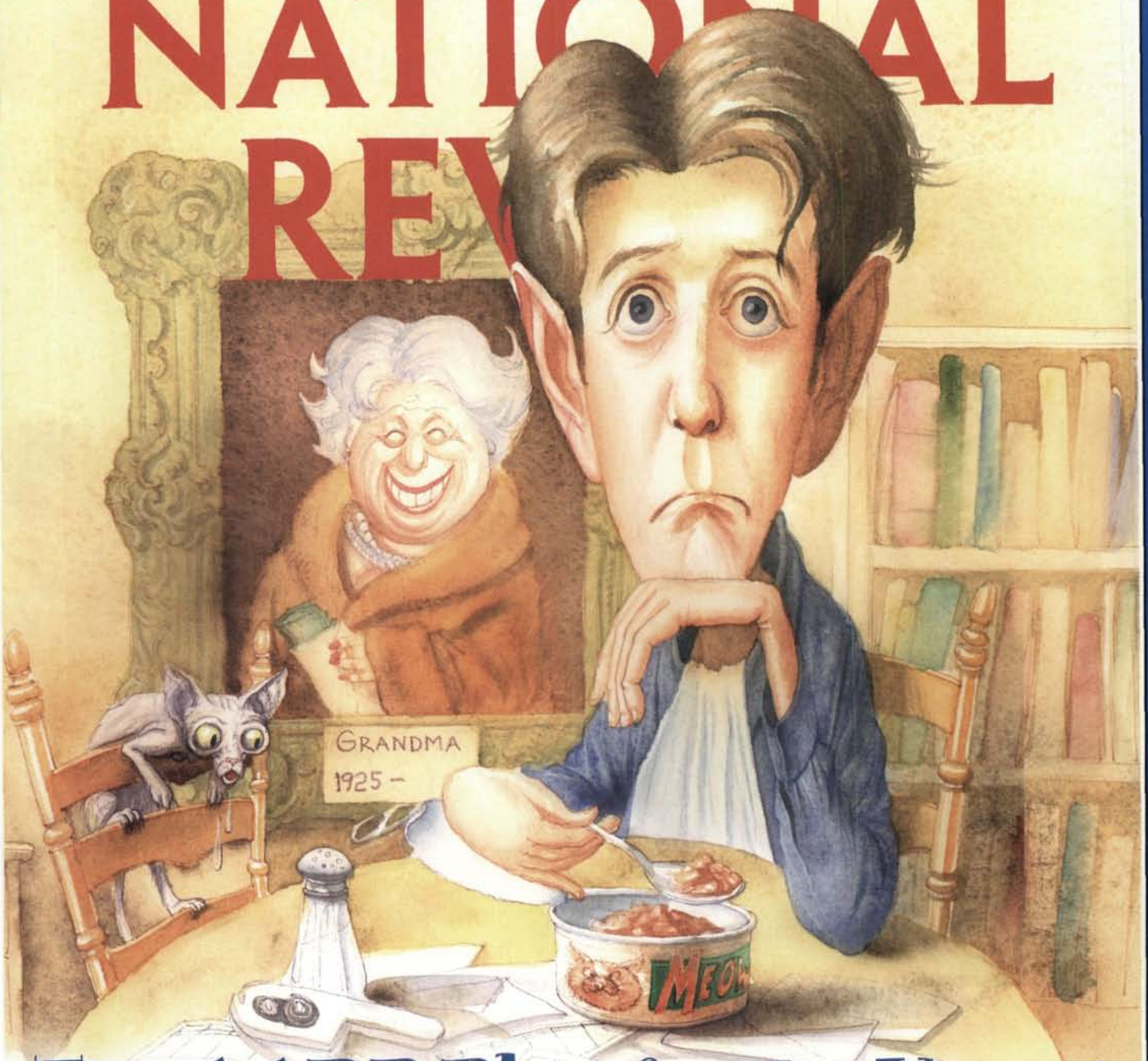

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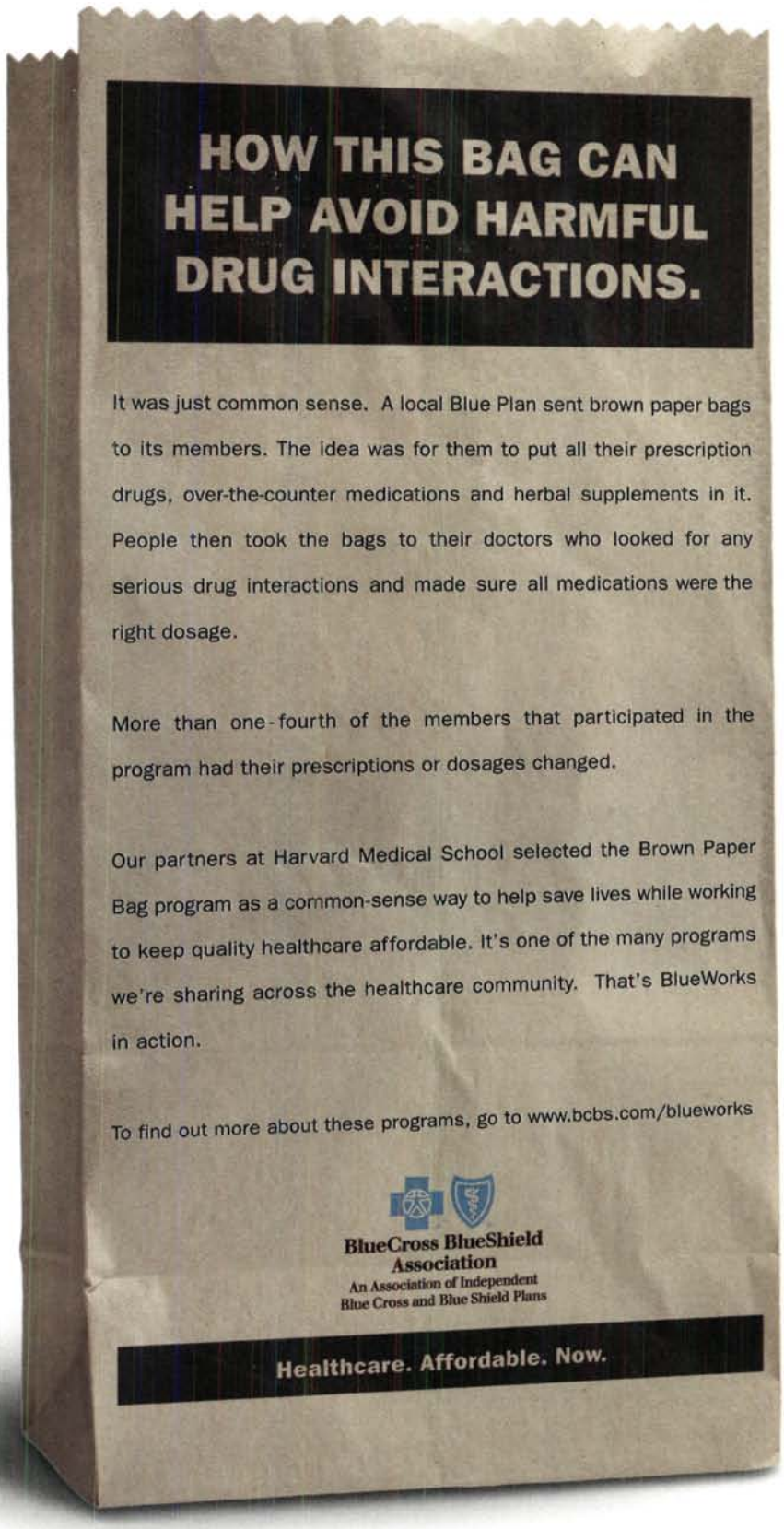
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JANUARY 31, 2005 VOL. LVII, NO. 1

NATIONAL REVIEW

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■ COVER ESSAY

An Idea Whose Time Has Come

Social Security reform is not an incredibly difficult subject. The program's benefits are rising faster than its revenues, which means we're going to have a lot of trouble paying for those benefits. The program also offers young people a lousy deal. The solution is, first, to keep future benefits from growing so fast and, second, to let young workers build up retirement savings to make up for that shrinkage in benefits. It's not the reform itself that is difficult, but the politics of reform. *By Ramesh Ponnuru*

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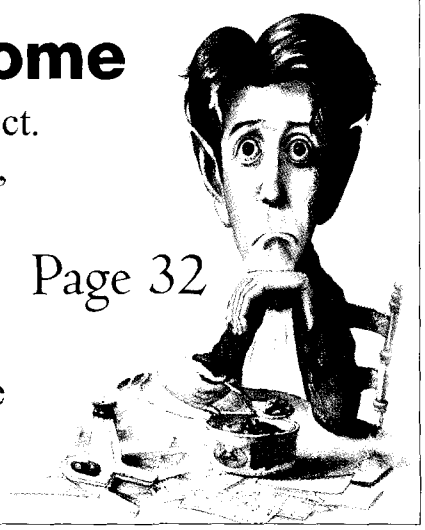

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COVER: *Roman Genn*

NATIONAL REVIEW (ISSN: 0028-0038) is published bi-weekly, except for the first issue in January, by NATIONAL REVIEW, Inc., at 215 Lexington Avenue, New York, N.Y. 10016. Periodicals postage paid at New York, N.Y., and additional mailing offices. ©National Review, Inc., 2005. Address all editorial mail, manuscripts, letters to the editor, etc., to Editorial Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016. Address all subscription mail orders, changes of address, undeliverable copies, etc., to NATIONAL REVIEW, Circulation Dept., P. O. Box 668, Mount Morris, Ill. 61054-0668; phone, 815-734-1232, Monday–Friday, 8:00 A.M. to 10:30 P.M. Eastern time. Adjustment requests should be accompanied by a current mailing label or facsimile. Direct classified advertising inquiries to: Classifieds Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016 or call 212-679-7330. POSTMASTER: Send address changes to NATIONAL REVIEW, Circulation Dept., P. O. Box 668, Mount Morris, Ill. 61054-0668. Printed in the U.S.A.

RATES: $65.00 a year (24 issues). Add $21.50 for Canada and other foreign subscriptions, per year. (All payments in U.S. currency.) The editors cannot be responsible for unsolicited manuscripts or artwork unless return postage or, better, a stamped self-addressed envelope is enclosed. Opinions expressed in signed articles do not necessarily represent the views of the editors.

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NATIONAL REVIEW

January 31 issue; printed January 13

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WASHINGTON OFFICE 202-543-9226

ADVERTISING SALES 212-679-7330
Executive Publisher Scott F. Budd
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letters to the editor

ON VENEZUELA

John J. Miller ("Friends of Hugo," Dec. 27) falsely alleges that "representatives from the Center for Economic and Policy Research" are "members" of a "media response team which contacts the press about its coverage of Venezuela." The Center for Economic and Policy Research has no representatives who serve as members of any media response team, regarding Venezuela or any other country or political issue. Since this allegation is completely false, and you have hereby been notified that it is false, we expect an immediate retraction.

Mark Weisbrot and Dean Baker
Center for Economic
and Policy Research
Washington, D.C.

John J. Miller calls me "a self-described journalist with a history of activism in Central America." For ten years I was a photojournalist based in Central America, covering events in Nicaragua, El Salvador, and Guatemala. I also regularly accompanied combatants on both sides—government and guerrilla forces—in these countries. I took pictures for such magazines as *Time*, *Newsweek*, and *U.S. News & World Report*, and occasionally for newspapers such as the *Boston Globe*, the *Washington Post*, and the *Los Angeles Times*.

Mr. Miller also claims that most of the National Endowment for Democracy's documents regarding their assistance to Venezuelan opposition groups were posted on the NED website. This was not the case. The NED website was unfortunately left outdated, and some of the documents I obtained were important e-mails that were never posted there. Mr. Miller correctly notes that these documents were not officially "classified." But that is a moot point, as they were not openly available. The NED's Freedom of Information Act officer assured me that the only way I would obtain them was through the FOIA.

The 2,000-plus pages released to me by the NED illustrated a multifaceted and multi-tracked operation in Venezuela, suggesting the United States sought to create organizations parallel to the government in order to try to depose it. The documents were so vast that I believed they required a novel form of publication; for this reason, in collaboration with Eva Golinger, I allowed the entire set of documents to be posted on the website Venezuelafoia.info. Since then, the documents and the news therein have been picked up by many publications, including the *New York Times*—which, by the way, described me as an "investigative reporter."

Jeremy Bigwood
Washington, D.C.

JOHN J. MILLER REPLIES:

For a couple of guys who claim that they don't respond to press coverage about Venezuela, Messrs. Weisbrot and Baker sure did react quickly to my story on how the American Left provides aid and comfort to the Chávez regime. And that's not all they've been up to. On December 20, Weisbrot wrote an op-ed for the *Miami Herald*, headlined "U.S. criticism of Chávez unfounded." The Common Dreams NewsCenter—"a non-profit news service" representing "the Progressive Community"—has issued press releases urging reporters to contact CEPR about Venezuela. These guys are media activists, and I've got to tip my hat to their energy and creativity, even as it distresses me to see them using their talents to serve the interests of a bad man. At least they don't attempt to duplicate Jeremy Bigwood's trick, which is to deny his political sentiments. This is absurd. His personal website describes his photojournalism as documenting "the inevitable clash between local attempts at self-rule versus U.S. regional hegemony" in Latin America. And contrary to his claim above, I did not write anything about the NED's website, though I did say (accurately) that most of the basic information about the NED's involvement in Venezuela was in the public domain before Bigwood came along.

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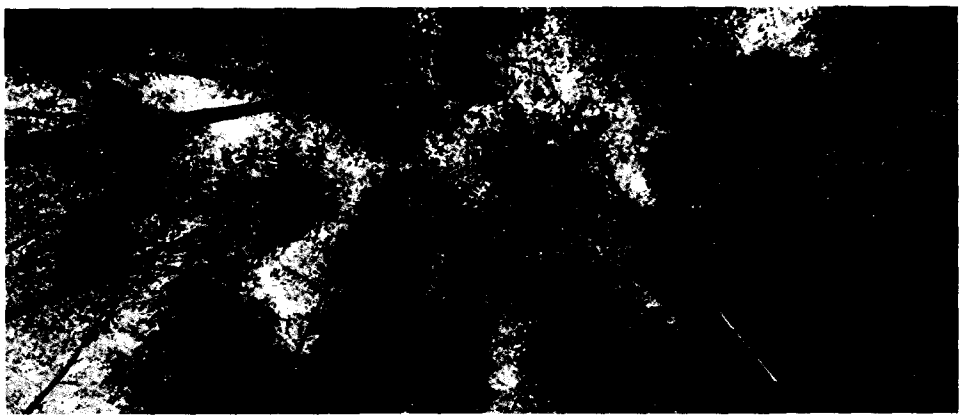

The value of seeing the whole forest.

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THE WEEK

■ Not being able to find political bias at CBS News is like not being able to find political bias at ABC. Or NBC. Or PBS. Or NPR. Or . . .

■ Iraq continues to produce gruesome news almost hourly. President Bush has nonetheless remained properly adamant that the January 30 elections for a national assembly go forward. Insurgencies are defeated politically as much as militarily, and the elections represent the best hope for the forces of decency to get a boost of legitimacy. Critics worry that the elections might exacerbate ethnic tensions. Exacerbate them more than Sunni fanatics' killing Shiites, Kurds, and Christians every day in an effort to ignite a civil war? In Afghanistan, elections helped further marginalize the Taliban and al-Qaeda remnants. Nothing will be a quick fix in Iraq, but if the elections come off reasonably well, they will likely be a step forward in the long, hard slog.

■ Here's a question for the Democratic leadership in the Senate. Were you *trying* to embarrass your party on January 6, the first real business day of the new Congress? First, after making a lot of noise, you tried—and failed—to show some muscle against attorney-general nominee Alberto Gonzales. And then you failed to keep one of your own, California senator Barbara Boxer, from dragging you into a misbegotten protest of the presidential-election results in Ohio. Siding with a few House members who wanted to challenge the vote, Boxer forced the Senate into a "debate" on the issue. As the "debate" went on, most Democrats looked as if they would rather be anywhere other than the Senate chamber. But two of the party's stars, Hillary Rodham Clinton and Barack Obama, spoke up, not in favor of the challenge itself but of some sort of vague election "reform." Obama apparently felt the issue was so important that he chose to make his first Senate speech about it, rather than save his maiden words for some more momentous occasion. After all the talking, the roll-call vote on the challenge was 74 against, 1 in favor, the single vote being, of course, Boxer. The left-wing online journal *Salon* wrote of January 6: "As the protest against Bush's certification fell flat and they rolled over for Gonzales, it was a day of humiliation and futility for Democrats." Apparently, everyone could see that except the men and women who lead the party.

■ The first rule of election recounts is: count until you pull ahead, and then declare the counting over. Immediately after Election Day in Washington State, Republican gubernatorial candidate Dino Rossi led Democrat Christine Gregoire by 261 votes. Obviously, there was going to be a recount—that 261-vote margin was out of a total of almost 3 million votes cast. So a recount was done, and Rossi remained the winner, albeit by just 42 votes. Undaunted, Democrats demanded that the counting continue. A third count was held. Even then, Rossi remained in the lead until Democrats convinced a judge to change the standard for counting previously untabulated votes in a few heavily Democratic areas. Gregoire took the lead, by 129 votes. Then—*voilà!*—Democrats declared that there had been enough counting. The media began referring to Gregoire as "governor-elect." With a judicial semi-blessing, the election was certified. Now Rossi is challenging the results in court. He has evidence of mistakenly counted ballots, inconsistent standards, and never-counted votes. Rossi wants a re-vote, which, under these highly unusual circumstances, may be the only way to settle the issue.

Oaring under the influence *(see page 10)*

ROMAN GENN

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THE WEEK...

■ House Republicans got off to a clumsy start of the critical new congressional session when they hastily retreated from hastily proposed reforms to the ethics rules. The Republicans had earlier decided to drop the rule that its leaders would have to step aside if a grand jury indicted them. They did so out of concern about a Democratic prosecutor in Texas who has indicted majority leader Tom DeLay's associates for alleged fundraising offenses, and is thought to be going after DeLay himself. But the press pounded Republicans for the rules change, and some congressmen got nervous. So the party retreated, sticking with the rule that leaders have to step aside when indicted. Republicans should understand that they cannot insulate DeLay from his frustrated liberal critics. They should defend him on the merits against baseless accusations—and resolve to be strategically smarter in the major legislative battles they face.

■ President Bush has nominated Michael Chertoff, an appeals-court judge on the Third Circuit, for the position of Homeland Security chief. A former head of the criminal division at Justice, Chertoff has a reputation as a hard-nosed prosecutor (he went after organized crime in New York) and was on the front lines of the government's investigation into the September 11 attacks. Those who know him say he's smart, fair, and a capable manager, that last being one of the most important qualities for a new DHS director to have. He also knows the federal system, which means he'll be able to prevent other agencies from running bureaucratic rings around DHS, and seizing its turf. Chertoff is not a household name—yet. But he is an excellent choice for the post.

■ Conservative commentator Armstrong Williams says that he "exercised bad judgment." Greed will do that to you sometimes. The Department of Education paid him to promote the No Child Left Behind Act, which he did in his columns and on his television show. There are two scandals here: that a government agency is spending our tax dollars trying to influence our opinion about its use of our tax dollars; and that a commentator would accept money designed to affect his editorial judgment in this way. Before he was being paid, Williams criticized the act because it included few school-choice provisions. After he got the contract, he changed his tune. Now he is saying that he agreed only to run ads for the act on his television show—an assertion flatly contradicted by the text of the contract. He is also saying that other commentators were on retainer. He ought to name names, rather than just vaguely impugn every conservative who offers political commentary. Readers should know when they are reading a column and when they are reading a paid advertisement. And we ought also to know just who, if anyone besides Williams, has been compromised.

■ Michael Gerson has served George W. Bush magnificently as chief speechwriter, during both the 2000 campaign and the first term in office. His departure would have prompted us to declare his enormous talents "indispensable" to this president but for the two pieces of good news that accompanied its announcement. The first is that Gerson will remain at the White House in a new senior position. The second is that he will be replaced as chief speechwriter by another superb talent: our former colleague William McGurn, who was NR's Washington editor for three years in the early 1990s. We lost McGurn to the call of the Orient: He worked in Hong Kong for the *Far Eastern Economic Review* and the *Wall Street Journal*, but found time to contribute regularly to NR. He came back to the U.S. to become the chief editorial writer for the *Journal*. President Bush's public voice remains in the best possible hands.

■ The Club for Growth, under the leadership of Stephen Moore, has been remarkably successful at electing pro-growth conservatives to Congress, and at striking fear in the hearts of liberal Republicans. The Club is going to keep backing candidates in primaries and in general elections. But now it will be under the leadership of Pat Toomey, the former Republican congressman who ran against Arlen Specter last year. Moore will move on to a new Free Enterprise Fund, which will concentrate more on helping to get pro-growth bills through Congress. So: The Club will elect politicians, and the Fund will help them rack up accomplishments. Free-market political activism is demonstrating some growth—and some division of labor, and some competition. All good things.

■ John Kerry summoned Evan Thomas of *Newsweek* to his home to complain about the magazine's post-election coverage. After Thomas left, Kerry followed him to show him a note from a schoolgirl saying that he was "the greatest." Kerry then said, "The pundits have never liked me. Is it the way I look? The way I sound?" This is pathetic—as many people, including liberals who supported Kerry but now scorn him as a poor candidate, have noted. But is it any more pathetic than the reaction of those liberals to Kerry's defeat? They, too, have consoled themselves with the thought that the young like them. They, too, have assumed that their problem lies with the pundits: They have grown even more obsessed by the idea that they need to counter Fox News. They, too,

GONZALES, WORKED OVER

The Senate Democrats had at
Gonzales with a vigor that
Recalled the dungeon Walsingham
Ran for the faerie queene; each slam
(Leahy appeared to be turned on)
Left the invited guest, like, wan:
When all Dems want is to abort
This literalist from the Court.

—W. H. VON DREELE

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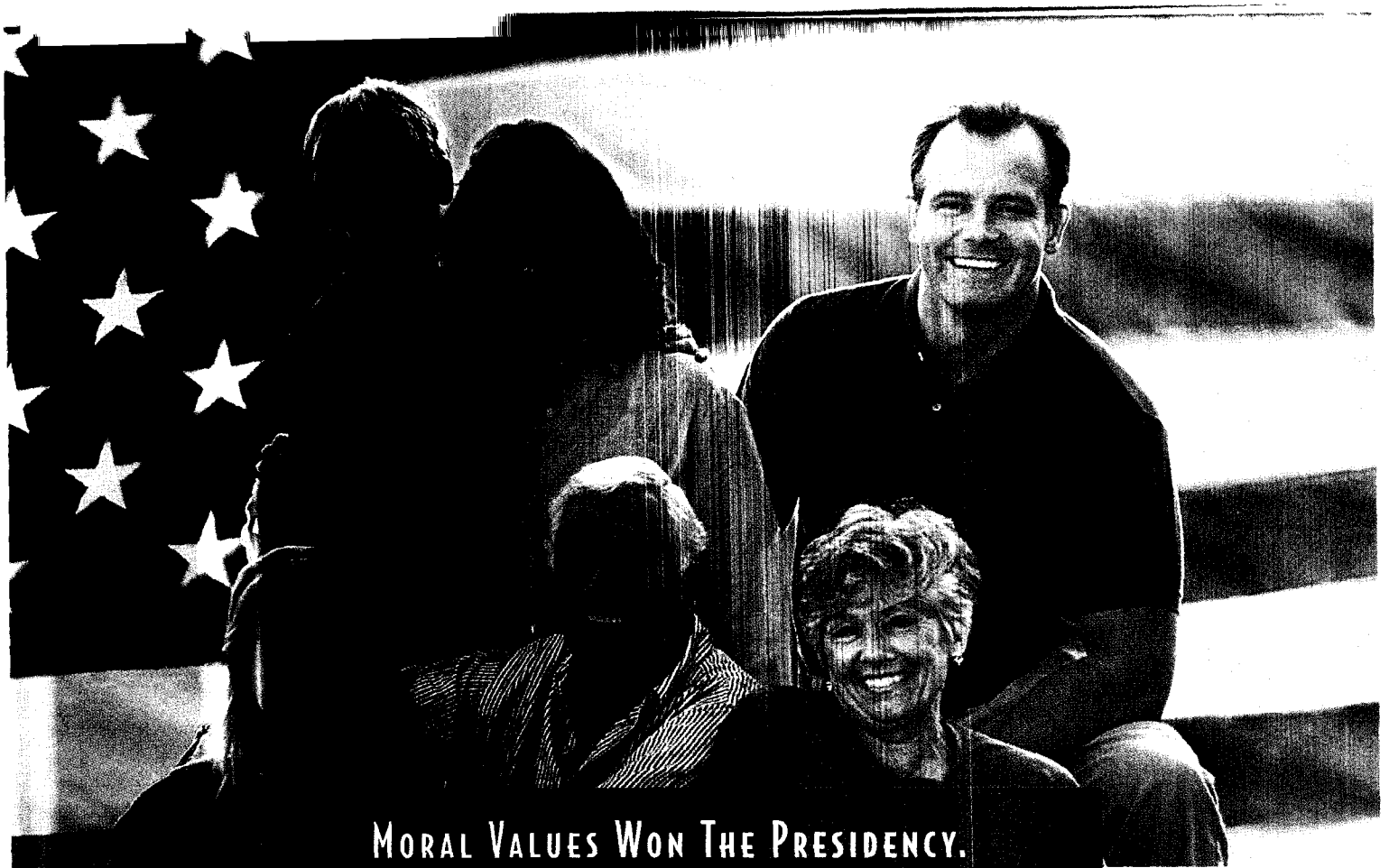

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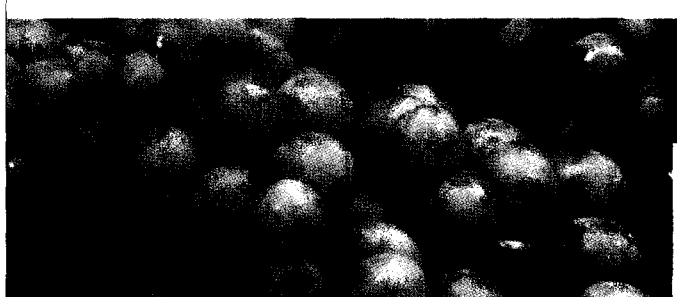
THE WEEK...

have agonized over how to present themselves: If they say the same things with a southern accent, will it go over better? Kerry appears unable to entertain the notion that any of his ideas were wrong for the country and rejected as such, and in that basic unwillingness to rethink he is a fitting spokesman for his side.

■ The Senate confirmation hearings of attorney-general nominee Alberto Gonzales included one moment that left many of us, well, gasping for air. It came when Sen. Edward Kennedy took up the task of painting Gonzales as an enabler of torture during his service as White House counsel. Said the senator from Massachusetts: "It certainly appears to me that water boarding, with all its descriptions about drowning someone to that kind of a point, would come awfully close to getting over the border [in terms of torture]." We grant that Senator Kennedy is one of the nation's leading experts on death by drowning, but perhaps someone else could have been found to make this particular point, supposing that it needed making.

■ William Rehnquist is not only the chief justice of the Supreme Court, but the head of the federal judiciary. He reports annually on the health of that branch of government. In the reports of recent years, Rehnquist has too often defined the federal judiciary as an interest group and himself as its spokesman. His latest report sees threats to "judicial independence" in congressional attempts to limit the courts' jurisdiction and in loose congressional talk about impeaching wayward federal judges. We will hold the question of impeachment to one side. There is a solid argument that the congressional power to limit the courts' jurisdiction is a constitutional check on judges. The exercise of that power does not force judges to rule one way or another on a constitutional question; it tells them not to rule. It is a threat to "judicial independence" only if that phrase means "unchecked judicial power." It is a mark of how deeply the assumptions of judicial supremacy domi-



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Resolve to Ridicule

I'VE made a New Year's resolution. Having recognized that fortifying myself to deny the siren songs of fattening comestibles and brown liquor will do nothing to win the War on Terror, I've resolved to do something more helpful to the effort on the home front: making fun of Islamic fanatics. We seem to have gotten lazy in the mockery department since the early days after 9/11, when the *Onion* ran its headline "Hijackers Surprised To Find Selves In Hell." Mocking the enemy may not hold a candle to shooting him, but we're constantly hearing about how we need to emphasize our "soft power" diplomatically and culturally. And besides, taking the fanatics seriously suggests we respect their perspective, which can only be a self-esteem boost for the bad guys.

What discourages many of us from mocking the if-I-only-Jihad-a-life crowd is the fear of offending good and decent Muslims in the process. This is a legitimate concern, but one would think they'd be more offended by their alleged co-religionists' cutting off heads, blowing up women and children, and talking like dateless losers who watched *El Cid* for the umptrillionth time on prom night. Indeed, the inability of these guys to get chicks is an important weapon in the rhetorical arsenal of democracy. Take this whole 72-virgins thing. Torqued-up young men who would otherwise have fake girlfriends in Canada are told they can get 72 real ones if only they blow themselves to bits. Well, according to the latest scholarship, a translation error centuries ago meant that the word for "grapes" or "white fruit" was wrongly rendered "virgins." Here's hoping the State Department launches some "Got Milk?"-style billboards depicting the ethereal soul of suicide bombers eagerly ascending to paradise in anticipation of ladies' night only to receive a giant bowl of 72 (no doubt luscious) grapes. The caption could read "Get Some."

Or consider the recent bonfire of asininity that erupted throughout crazy Islam to explain the Asian tsunami, which the mullahs and imams chose to blame on fornicating Christians and perfidious Jews. "The fact that it happened at this particular time is a sign from Allah," proclaimed one Saudi professor. "It happened at Christmas, when fornicators and corrupt people from all over the world come to commit fornication and sexual perversion." Actually, it happened the day *after* Christmas, as did a massive earthquake the year before in Iran. In both cases innocent Muslims made up 99 percent of the victims, while Christian fornicators spent their day cursing Allah for not including batteries in their Christmas gifts.

Even more inverted is the jihadist sense of gratitude. While America was dispatching money and food with Christian abandon, Hilmy Bakar Almascaty, spokesman for the Islamic Defender Front, made his concerns clear. "It's okay that aid from the U.S. is here," he said. "But if they open bars, sell alcohol, or open prostitution centers, then we will fight them." He probably has nothing to fear from the 7th Fleet's Pussycat Club rapid-deployment force. One question though: Can the Americans hand out grapes?

—JONAH GOLDBERG

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Commentary on K–12 Education

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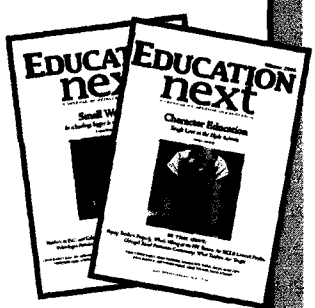

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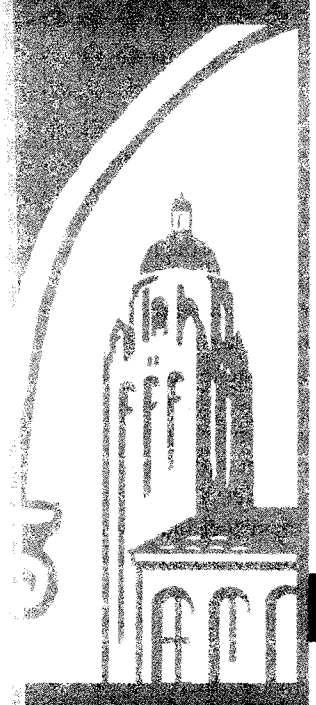

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In the Winter 2005 Issue of *Education Next*...

A Forum on Paying Teachers Properly

For more than a century, public education has worked with a single salary schedule that compensates teachers for college credits, education degrees, and years of experience—but not for their effectiveness in the classroom.

Research shows that the degrees, courses, and experience that teachers have, beyond the first few years of teaching, are unrelated to how much their students achieve. The uniform salary schedule does not take into account that teachers work in schools offering different levels of nonmonetary benefits, such as a safe environment and students with different levels of preparation and home support. Nor does it allow for extra pay for those in hard-to-staff fields, such as math and science. But any pay-for-performance plan in K–12 education will succeed only if teachers buy into it from the start, if it is fair, and if it is embedded in a systemic reform that encourages teachers to become better at their craft.

—Lewis Solmon

The Moral Imperative

Are schools effective that take character education reform seriously?

Character education has legs. It is a reform so thoroughly in the American grain, not to mention so various and adaptable, that it cannot be dismissed as just another shiny and insubstantial bubble. Moreover, the wish for schools to somehow address the sense of drift and anomie in the larger culture is not likely to abate. So the issue is not whether we will have character education, but instead, what kind we will have and what relationship it will bear to the ongoing campaign to improve children's academic skills.

—James Traub

Where Have All the Dollars Gone?

Reading, Pennsylvania, became the first school district in the nation to sue a state education department over the No Child Left Behind Act (NCLB).

Reading's lawsuit might just prove that NCLB is doing exactly what it is supposed to be doing: exposing struggling districts to standards of excellence that they had never even imagined. And what was first considered to be the perfect district to illuminate NCLB's defects has turned out to be a shining example of why NCLB is needed.

—Brad Bumsted

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THE WEEK...

nate our legal culture that even conservative judges confuse the two concepts.

■ Since his service as U.S. attorney general under Lyndon Johnson, Ramsey Clark's career has been a case study in American anti-Americanism. From Vietnam to Grenada, from Bosnia to the Middle East, where the United States has been on one side of any issue, Ramsey Clark has been on the other. In Ramsey Clark's eyes, every U.S. policy is driven by greed and enforced by violence; every U.S. political or military leader is a war criminal; every other nation in the world is populated by gallant folk yearning to throw off the yoke of U.S. domination, and ruled either by proud, selfless leaders resisting U.S. power or by contemptible quislings in the pay of U.S. corporations. It is therefore no surprise to hear that Ramsey Clark has joined Saddam Hussein's defense team. Arriving in Amman, Clark first declared that the court set up to try his client has no authority in law, being a mere tool of the U.S. occupation. He went on to propose that the United States itself be tried for the November assault on Fallujah, torture in prisons, and Iraqi war deaths. And all those mass graves in the desert—if they, in fact, exist? Obviously the fault of America . . . somehow.

■ Mahmoud Abbas, aka Abu Mazen, was elected president of the Palestinian Authority. His moderation must be understood in the context of a political culture where extremism in defense of Jew-murdering is no vice, and moderation in pursuit of dictatorship is no virtue. Abbas's past will not bear inquiry, and he dedicated his election to Arafat, and "our martyrs." Still, he is willing to talk to Prime Minister Sharon, and Sharon, newly confident because of his successful security measures—which President Bush tacitly supported—is willing to talk to him. None of this would have occurred without the related toughness of Sharon and Bush. May their hopes be justified.

■ The gondoliers of Venice are to face spot checks on their sobriety after a spate of accidents thought to have been caused by operators' plying the city's famous canals while under the influence. New regulations permit the city police to conduct breathalyzer tests on gondoliers suspected of oaring while intoxicated. This is only the latest of a series of assaults on this ancient and noble profession, beginning six years ago with the introduction of police speed traps, then proceeding, last year, to a ban on gondoliers' forming up in fleets to perform choral serenades. What next for the poor men—an E.U. directive demanding seat belts?

■ Gays may not recruit your children, but they will recruit your ancestors, if your ancestors were famous. The latest candidate for posthumous outing is Abraham Lincoln, courtesy of a recent book, *The Intimate World of Abraham Lincoln*, by C. A. Tripp. Tripp parses Lincoln's tempestuous marriage, a failed courtship, and several male friendships, and claims to smell a whiff of lavender. Most Lincoln scholars disagree, and a former co-author of Tripp's has alleged plagiarism, and a variety of other scholarly sins, in an article in *The Weekly Standard*. But Lincoln's intimate life was starved of normal intimacy. NR senior editor Richard Brookhiser, reviewing Tripp's book for the *New York Times*, concluded, "Lincoln loved men, at least some of whom loved him back." The coincidence of the gay-rights agenda, and the approaching bicentennial of Lincoln's birth in 2009, will keep such discussions rumbling. What we may miss in the din is Lincoln's central accomplishment: defining the threat that a desperate, slave-owning South and a weak, accommodationist North posed to America's ideals. Everything about Lincoln is interesting; Lincoln on the hustings, and in the White House, is vital.

■ Harvard's Lawrence Summers, the first Ivy League president to forcefully condemn the rise of anti-Semitism ("in effect if not intent") on college campuses, recently reported that things were looking up in academe: The anti-Israel divestment movement has died down and tensions overall have diminished, he told a Jerusalem audience. Summers also went on a mini-tirade worth noting: "One of those disturbing tendencies in academic life is that there is a desire on the part of many in the name of open-mindedness to fall into a kind of relativistic denialism in which all positions are equally legitimate, all positions must be respected, and compromise must be entered into no matter what the starting point or reasonableness of the two parties." He added, "It seems to me that Israel is right. Its friends are right. Moral people everywhere are right to resist this approach." Larry Summers appears to be an outlier in academia. Now if only he could marshal his clarity and conviction to bring ROTC back to Harvard's campus at last.

■ Peter Beinart, editor of *The New Republic*, argues that conservatives don't care about people in other countries unless they affect America's national interest. The charge is untrue: It is conservatives who have put the suffering of the people in Sudan on the national agenda. The charge, as Beinart develops it, is also confused. He claims, first, that to care about a country merely because of its effect on us is not really to care about that country. He claims, second, that this attitude is undermining the national interest: Muslims worldwide will have to feel that we really do care about them before they will join us in the War on Terror. But by his own logic, this simulacrum of caring isn't the real thing either. Caring about Muslims worldwide because making them feel that we care about them helps us win the War on Terror isn't really to care about them at all. If Beinart wants to argue that conservatives have too narrow a view of the national interest, he can do so. But the argument would proceed more steadily if he were not trying to make advertisements for liberals' virtue.

■ *Fahrenheit 9/11* was voted favorite movie at the People's Choice Awards, a run-up to the Oscars. Well, naturally. *Fahrenheit 9/11* raked in more than $100 million thanks to the repeat viewing of infatuated admirers. The People's Choice Awards are determined by Internet voting, and the

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Like a picked flower cut from the source, we gradually wilt physically and mentally and become vulnerable to a host of degenerative diseases, that we simply weren't susceptible to in our early adult years.

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Many in hollywood's glamour sets, who never seem to age like you or I, have a special secret to tell, and even space pioneer and US Senator John Glen stays vital with HGH.

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THE WEEK...

postulants re-enacted the sacrament. Perhaps it is a good thing that the anti-war Left should inhabit a lobster trap of its own devising. But it is not a good thing that they sustain themselves with such arrant lies as *Fahrenheit 9/11* purveys. Nor is it a good thing that Americans hunker in red and blue caves, even though the blue cave is (somewhat) smaller. But that is the country we have. We must defend it, and make the best of it, even as the jihadists labor to tear it down.

■ The mid-Hudson Valley, sleepy home of Rip Van Winkle, is suddenly hopping. First came New Paltz mayor Jason West, the gay-marrying 26-year-old house painter. Now comes Alexander Bulay, a local movie-theater owner. Bulay ran a radio ad that said: "Hollywood has gone insane, and our values are not often reflected on the silver screen. [But] while we can't bring back the Hollywood of John Wayne . . . the Lyceum Cinemas in Red Hook, the Roosevelt Cinemas in Hyde Park, and the New Paltz Cinemas all refused to play Michael Moore's *Fahrenheit 9/11* this year." This prompted a boycott from the local Green party, which accused Bulay of racism, because of Indian and Mexican villains in John Wayne movies. Who is racist, though—the Duke, or the Greens, who want brown people to be ruled by Saddam and the Taliban? If you want to see *Ocean's 12*, and you live nearby, stick a thumb in the eye of the scolds.

■ In 1905 Albert Einstein published three brilliant scientific papers, each of which had a profound effect on the development of the physical sciences. This year marks the centenary of that *annus mirabilis*. To celebrate the occasion, London's Ballet Rambert is to stage a production with the title "Constant Speed," expressing the great physicist's insights through the medium of dance. How, exactly, do you do that? Let the ballet's artistic director explain: "We've got lots of molecules bouncing around, and the stage—which starts out all in white—ends with all the colors of the spectrum, as the little packets of light that Einstein discovered are added one at a time." Ah. Is it not the case that under certain relativistic conditions, time slows down to a crawl, so that one minute can last an hour or more? Let us hope that "Constant Speed" will not have this effect on its audience when it premieres at Sadler's Wells in May.

■ Freedom of speech has been bumping up against religious sensibilities in Britain, with results that cast an interesting light on current sensibilities. At the end of last year a stage play featuring rape and murder in a Sikh temple caused a mob of enraged Sikhs to storm the provincial theater where the play was being performed. More recently the publicly financed BBC-TV stirred loud protests from Christians by announcing the broadcast of a West End musical titled *Jerry Springer: The Opera*. This work, described by its producers as "a satire on confessional TV," features a scene in hell where Jerry tries to reconcile Satan with God and Christ. Christ is, as is *de rigueur* on the stage nowadays, shown as a homosexual. One London newspaper counted 451 taboo words in the show, including 117 occurrences of "f***" and seven of "c***." Christian protests notwithstanding, the BBC went ahead and aired the Springer musical at 10 o'clock on a Saturday night. The Sikhs were more successful in their protest than the Christians: The theater they assaulted withdrew the offending play. We await a BBC-TV production grossly offensive to the sensitivities of Sikhs or Muslims.

■ One common failing of criminals is that, being so focused on instant gratification, they omit to think things through. The disappearance of Angel Ricardo Mendoza, a trucker hauling 3.6 million nickels—$180,000, but weighing 22.5 tons and packed into 900 fifty-pound bags—to the Federal Reserve in New Orleans is a case in point. The unfortunate Mendoza himself is not, at the time of writing, a suspect, and there are concerns for his well-being. But questions must be raised: Who in his right mind would steal 3.6 million nickels? Surely there are easier ways to heist $180K? How are they to be exchanged for bills, considering that each bag, worth a measly $200, contains 4,000 nickels? No bank accepts loose change, so that's a lot of rolling to do. An appropriate punishment, perhaps.

■ Rosemary Kennedy, sister of the late president, was born in 1918, apparently mildly retarded. Kennedy-family pathographers have suggested that her father feared disgraceful consequences from her sex life. In 1941 she was lobotomized, which reduced her to an infant-like state. How sad that such brutal measures were touted as therapeutic; how sad that those who wished to protect her (and the family) reached for that measure. Her surviving siblings testify that her life, in an institution, was touched with an inspiring grace. Dead, at age 86. R.I.P.

■ Guy Davenport, for many years a professor of English at the University of Kentucky, died at 77. He wrote in the range of 50 books, mostly short stories and critical essays. In his spare time, he translated Heraclitus and Diogenes, and illustrated Hugh Kenner's *Counterfeiters*. (Sherlock Holmes and Karl Marx in the same picture? Why not.) Davenport also reviewed books for NATIONAL REVIEW, at a time when few in the academy dared to. His thoughts and his sentences were bright, spindly, and graceful, like those of the modernist masters he most loved. R.I.P.

POLITICS

Under Pressure

CONSERVATIVES have no great stake in whether Alberto Gonzales, a Bush friend who has shown no signs of being encumbered with a political philosophy, becomes the next attorney general of the United States. What is very important is that his nomination not be defeated in a way that will set back the War on Terror.

At issue are two legal documents. One was authored by Gonzales, in January 2002, in his capacity as White House

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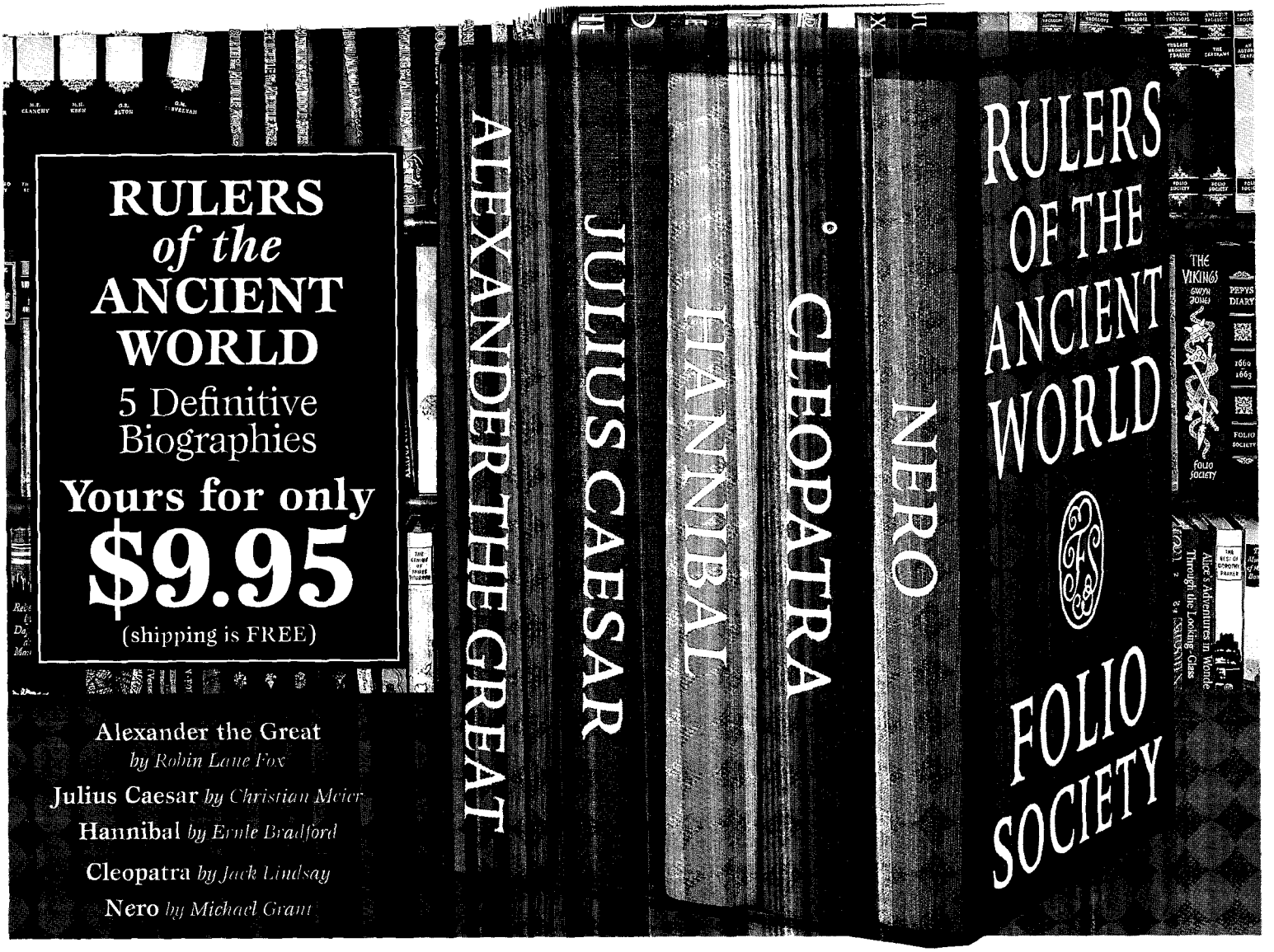

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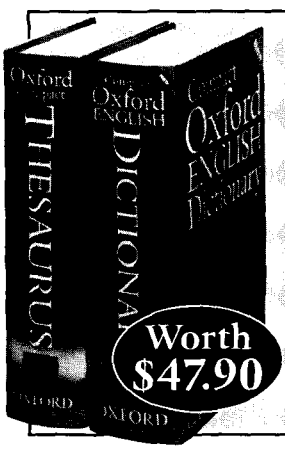

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counsel; it concerned the Geneva conventions. Reports always quote Gonzales as writing that the conventions are "obsolete," as if he were unilaterally disavowing a U.S. treaty commitment. Not so. What he said was that Geneva does not apply to the members of a transnational murder gang. He was right.

Those who believe—apparently as a theological matter—that the conventions apply to al-Qaeda must believe that its terrorists are entitled to dormitories, sports equipment, pay allowances, and pretty much anything you remember from *Hogan's Heroes*. Most important, they can't be interrogated. Kiss goodbye the kind of intelligence that has led to the capture of important Qaeda leaders.

Because CIA agents were worrying about how far they could go to get Qaeda captives to talk, Gonzales commissioned a memo from the Justice Department's Office of Legal Counsel. The so-called "torture memo" that resulted in August 2002 argued that interrogators have wide latitude before they run afoul of prohibitions on torture. Some of the memo's language went too far, and the department has rightly disavowed it. But the claim that the memo led to the abuses at Abu Ghraib, and in particular the abhorrent events memorialized in those infamous pictures, cannot be sustained. An independent panel led by James Schlesinger concluded that "the pictured abuses . . . were not part of authorized interrogations nor were they even directed at intelligence targets."

There have been unauthorized abuses and acts of torture at Abu Ghraib and Guantánamo Bay. But these aren't the same as the sanctioned interrogation methods (e.g., making prisoners assume "stress positions"), which are tough but appropriate. The former should be punished; the latter are necessary to fighting a war in which intelligence is paramount.

There has been lots of talk about how Democrats need to get tougher on the War on Terror to regain voters' trust on national security. We're waiting for one instance—just one—of a controversy related to the war in which the Democrats don't try to make its prosecution more difficult.

THE MEDIA

The Eye Blinks

It is to the credit of CBS that its internal inquiry, led by Richard Thornburgh and Louis Boccardi, did not whitewash the truth about the network's story attacking President Bush's National Guard service. The Thornburgh-Boccardi report calls the story "inaccurate," "false," "deficient," and driven by a "myopic zeal." It is also to the network's credit that the report resulted in three forced resignations by CBS executives and the firing of CBS producer Mary Mapes.

But the review panel appears to have lost its nerve when addressing the question of political bias. The report detects no evidence of "any political agenda on the part of any of the people involved in this," but only "an insensitivity to appearances." Please. Freelance reporter Michael Smith wrote to Mapes in an August 31, 2004, e-mail that the story about Bush "could possibly change the momentum of an election." Mapes worked the story for five years. She made extraordinary efforts, and cut many corners, to get it on the air. Are we really to believe that she had no political motivation? More to the point, are we really to believe that her colleagues would have tolerated a similarly obsessive quest for dirt on John Kerry?

If the exposure of this fraudulent story illustrates that the media are changing, they are still not changing enough.

As the report explains, running the story was not the network's only offense. It was bad enough that the story falsely claimed that the documents on which it was based had been authenticated. What was worse was that when critics called those documents into question, Dan Rather dismissed those critics as "partisan political operatives." The network defended its story with inaccurate press releases and additional misleading stories. It searched for experts to defend its original position, rather than for experts who would tell it the truth.

Former CBS executive Jonathan Klein, who is now running CNN, characterized the type of blogger who exposed the network's fraud as "a guy sitting in his living room in his pajamas." That guy turned out to be right. The bloggers—and skeptical reporters from the *Washington Post* and other traditional media outlets—can claim vindication.

But if the exposure of this fraudulent story illustrates that the media are changing, they are still not changing enough. Everyone around Dan Rather has been asked to resign, but the anchor himself is remaining behind the news desk until March—and will work for *60 Minutes* indefinitely. Courage.

THE WORLD

Disaster

The Christmas tsunami made the world shake, the United States roll up its sleeves, and the mind falter.

The tidal wave produced by the Krakatoa eruption over a century ago was probably greater. But the population of the world has grown, especially in the tropical and sub-tropical belt that is most susceptible to volcanoes, earthquakes, hurricanes, and typhoons. Better warnings, stronger buildings, and improved emergency response will save tens of thousands of lives. But until science advances unimaginably, millions will continue to live at risk.

Early in the aftermath of the debacle, Jan Egeland, a United Nations bureaucrat, said that America's response had been "stingy." His comment was demolished like an empty fishing boat. Forty-five percent of Americans gave

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some individual contribution; their private donations alone totaled $1 billion. U.S. government aid came via carrier group with an efficiency that no other country, or international organization, could match. The presence of American soldier-Samaritans in sharia-ruled Sumatra offers one more lesson in the American character, and in American competence. Theft and waste will take their cuts; terrorists, one hopes, will fail to take their cuts through bogus charities. But all that can be done will be. That, generally speaking, seems to be America's job in the world order.

A word about President Bush, not to lecture him (his character is fixed), but to instruct future presidents. His initial estimate of what America might spend was ludicrously short. Bill Clinton might also have guessed wrong, but he would have shed a sympathetic tear. Our opinion of Mr. Clinton is well known. Still, it is a fact that the quick and emotional reaction has become part of the job description of the presidency. Bush's shortcomings in this area are related to different virtues he possesses—prudence, seriousness, a robust BS detector. They are still shortcomings.

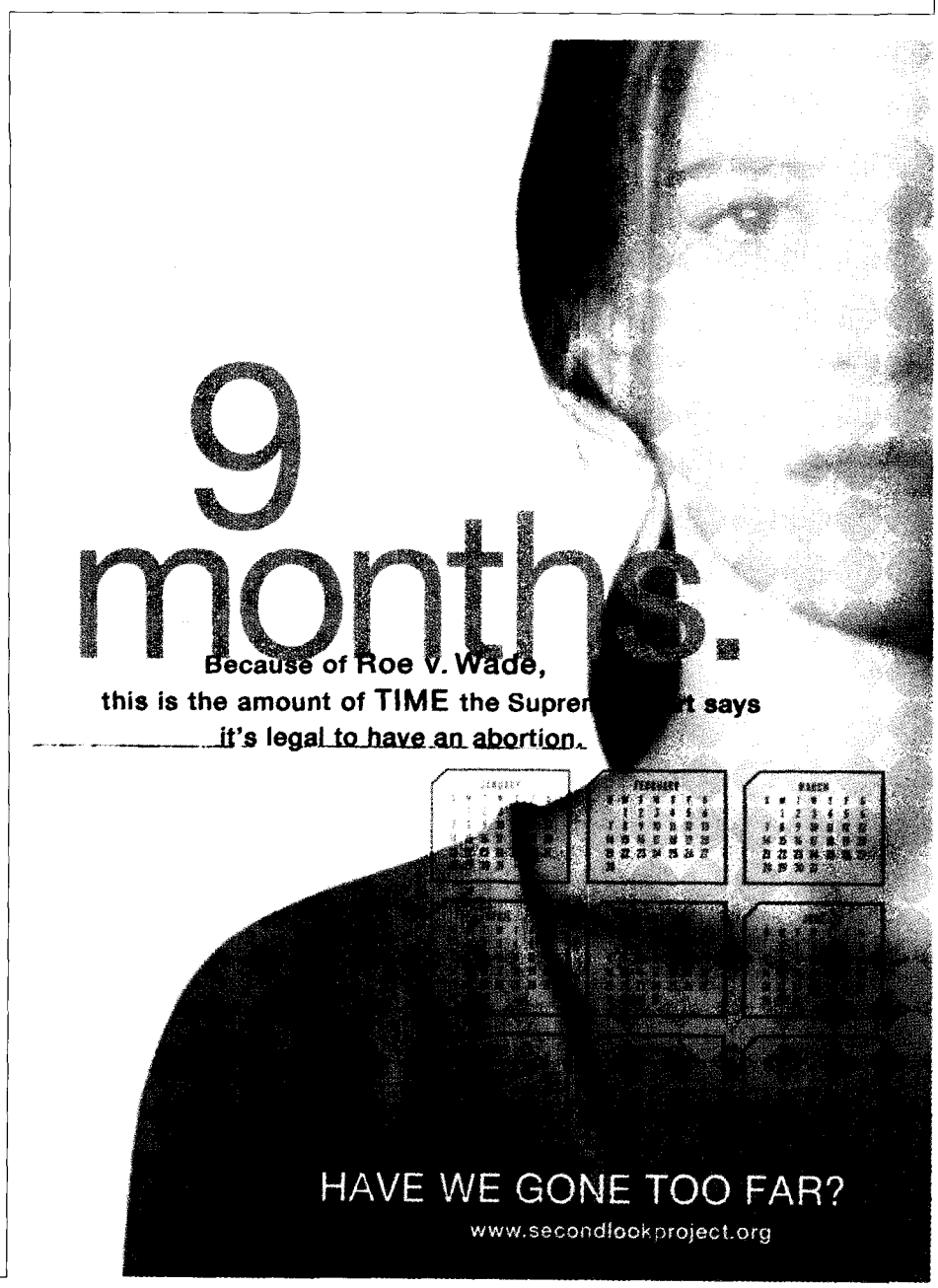
But perhaps the president can be excused for reticence when religion does not know what to say. Evil is with us every day, in every illness and crime, and in our hearts; disasters gather it in one place. In *Mont Saint Michel and Chartres*, Henry Adams's meditation on the Middle Ages, he lists the anomalies that theologians like Saint Thomas Aquinas must somehow fit into God's plan. "[S]uffering, sorrow and death; plague, pestilence and famine; inundations, droughts and frosts; catastrophes worldwide and accidents in corners; cruelty, perversity, stupidity, uncertainty, insanity; virtue begetting vice; vice working for good; happiness without sense, selfishness without gain, misery without cause, and horrors undefined." Adams, who had lost a sister in a carriage accident and a wife to suicide, and who had lived through the Civil War, had seen suffering in every shape, and though he honored Aquinas, he accepted no easy answers.

God's answer to Job is that He made the Pleiades. Creation is better than the void; something is better than nothing. Jesus' answer, from the Cross, is that, whatever you suffer, I am there. Though answers, these are not explanations. All we can do is clean up the mess and try to do better. Believers among us will add their prayers.

OBITUARY

Susan Sontag, R.I.P.

SUSAN SONTAG burst on the New York intellectual scene in the early 1960s like a breath of fresh air. She saw all the subtitled movies and read all the untranslated novels—that's what intellectuals do—but she also wrote about them in sprightly epigrams. Some of her essays were striking and useful: "Against Interpretation" reminded us that art is supposed to give pleasure, an insight resurrected in the present debates about critical theory. Others essays were striking and pernicious. "Notes on Camp" enthroned gay in-jokes and dreck of all sexual orientations; the long march to Paul Rudnick and reality shows had begun. It helped that Sontag looked like Natalie Wood. Compared with the aged Lionel Trilling and the never-young Irving Howe, wasn't she better?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But American intellectuals felt compelled to offer their views on politics. Like those of most of her peers, Sontag's were dreadful. She toured Cuba and North Vietnam and came backed stuffed with lies. She hailed Cubans for their sensuality, as if this had anything to do with the dictator who throttled them, and she said the North Vietnamese gave extra rations to captured American pilots, so virtuous were they. Years later, she had a seeming change of heart, telling a rally of leftists at Town Hall in New York that Communism was "a variant, the most successful variant, of Fascism." But she never followed up that comment in the way that Whittaker Chambers, James Burnham, or Frank Meyer had pursued his own true epiphany.

Communism fell (though not in Cuba or Vietnam). Perhaps Sontag's noxious opinions had become as irrelevant as Thomas Carlyle's support of slavery. But on 9/11, America's new war began. The very next week, Sontag told the readers of *The New Yorker* that New York had not suffered "a 'cowardly' attack on 'civilization' or 'liberty' or 'humanity' or 'the free world' but an attack on the world's self-proclaimed superpower, undertaken as a consequence of specific American alliances and actions." She said the mass-murderers had shown courage ("a morally neutral virtue," she added), and compared America's shock and rage to a Soviet Party Congress.

Susan Sontag was enraptured by her own perceptions, contemptuous of those whom she believed were too stupid to share them, and romantically enamored of the Other, sometimes incarnated in bold writers, sometimes in thugs and killers. Her admirers will have a hard time disentangling what was good from so much ill.

notes & asides

■ Memo to: WFB
From: Linda Bridges

Dear Bill: Did you see this?

The following is supposedly an actual question given on a University of Washington chemistry midterm. The answer by one student struck the professor as worth sharing with colleagues, via the Internet, which is why we now have the pleasure of enjoying it as well.

Bonus Question: Is Hell exothermic (gives off heat) or endothermic (absorbs heat)?

Most of the students wrote proofs of their beliefs using Boyle's Law (gas cools when it expands and heats when it is compressed) or some variant.

One student, however, wrote the following:

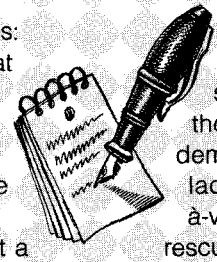
First, we need to know how the mass of Hell is changing in time. So we need to know the rate at which souls are moving into Hell and the rate at which they are leaving. I think that we can safely assume that once a soul gets to Hell, it will not leave. Therefore, no souls are leaving.

As for how many souls are entering Hell, let's look at the different religions that exist in the world today. Most of these religions state that if you are not a member of their religion, you will go to Hell. Since there is more than one of these religions and since people do not belong to more than one religion, we can project that all souls go to Hell.

With birth and death rates as they are, we can expect the number of souls in Hell to increase exponentially. Now, we look at the rate of change of the volume in Hell because Boyle's Law states that in order for the temperature and pressure in Hell to stay the same, the volume of Hell has to expand proportionately as souls are added.

This gives two possibilities:

1. If Hell is expanding at a slower rate than the rate at which souls enter Hell, then the temperature and pressure in Hell will increase until all Hell breaks loose.



2. If Hell is expanding at a rate faster than the increase of souls in Hell, then the temperature and pressure will drop until Hell freezes over.

So which is it?

If we accept the postulate given to me by Teresa during my freshman year that "it will be a cold day in Hell before I sleep with you," and take into account the fact that I slept with her last night, then Number 2 must be true, and thus I am sure that Hell is exothermic and has already frozen over.

The corollary of this theory is that since Hell has frozen over, it follows that it is not accepting any more souls and is therefore extinct . . . leaving only Heaven, thereby proving the existence of a divine being which explains why, last night, Teresa kept shouting, "Oh my God!"

THIS STUDENT RECEIVED THE ONLY "A."

■ Dear Mr. Buckley: From reading your columns and books, there appears to be a bit of difficulty some people have in distinguishing between "solecism" and "solipsism." Perhaps a more visual explanation would clear things up:

A solecist is a person whose sailboat, *Leftward Ho!*, upon entering ocean waters churned up by some force of wind, becomes demasted. A solipsist is a person sailing the same boat who, though it becomes appropriately demasted, reflectively decries the lack of government oversight vis-à-vis coastal waters, while he awaits rescue from the Coast Guard. Overhearing the partially submerged mariner, the rescuer gently suggests that, since this would involve a huge, expensive undertaking, in order to enjoy sailing more in line with his skill set he might consider moving his boat to a lake, at which point the solipsist instructs his rescuer to go jump in one.

I hope this helps.

Happy sailing,
Don Snedeker
North Plainfield, N.J.

Dear Mr. Snedeker: It helps a whole lot. And adds a new definition to the word "solecism." Cordially,

—WFB

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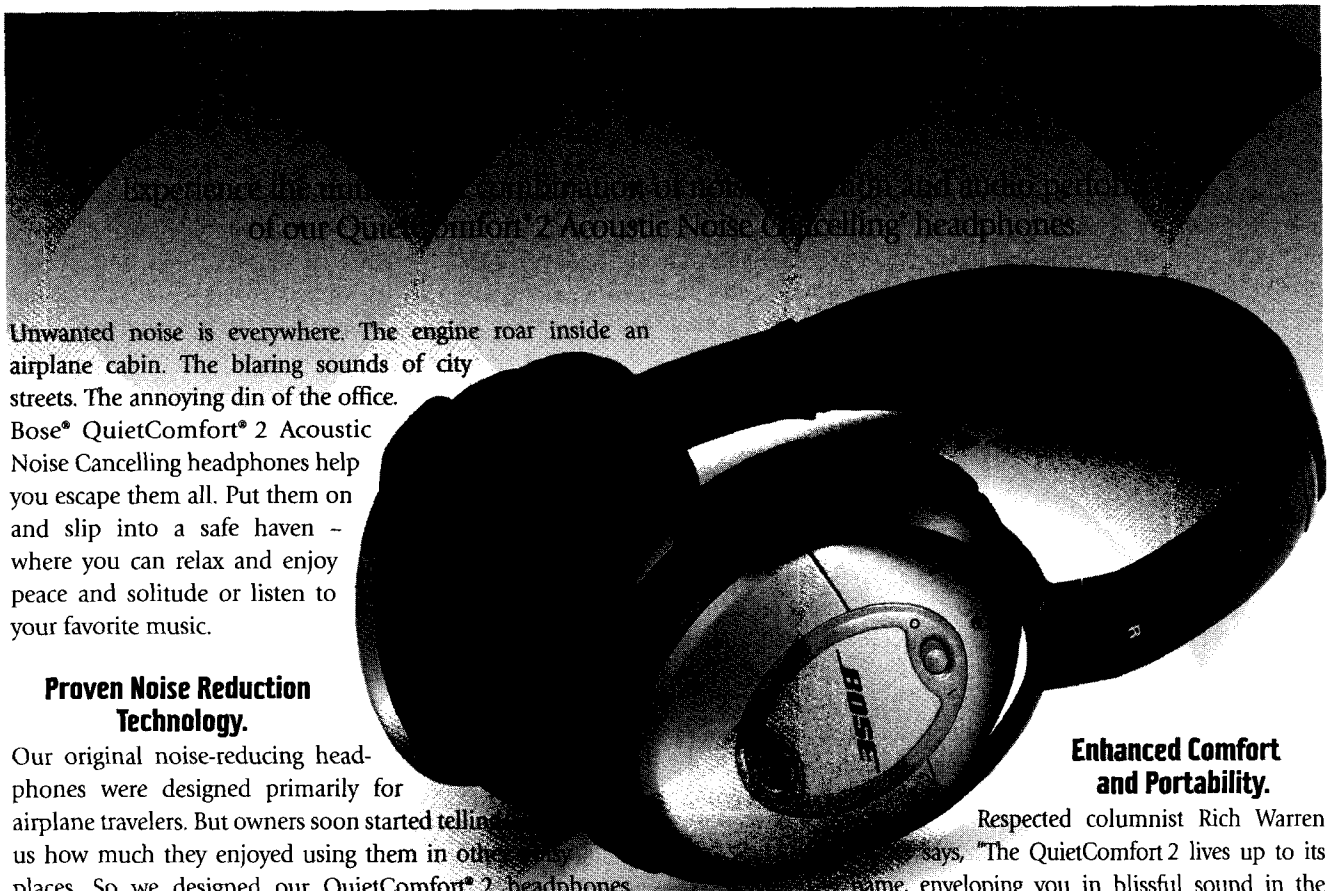

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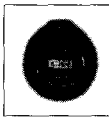

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Fortune 500 don't do) or racial quotas (which they like). Commercial cases, on the other hand, are less morally and politically controversial, and often pit firms or industries against one another. Companies, therefore, often have no way of knowing whether they will find themselves on the "conservative" or "liberal" side in future disputes, which implies that they have a stake in the nominees' competence but not their ideology. Businessmen may also believe that anything that needs fixing can be fixed by Congress or an administrative agency—a myth that their poorly monitored Beltway lobbyists happily perpetuate.

To illustrate the threats posed by these misperceptions, consider the doctrine of federal preemption, where debate centers on whether federal regulatory statutes trump state law. State tort-law claims—for example, for fraud, alleged product defects, or a failure to warn consumers—often put corporations at the mercy of local judges and juries. The argument that federal law preempts such claims accordingly emerges as the only viable defense. Hence, arcane preemption doctrines have become Ground Zero in the war between the plaintiffs' bar and corporate defendants. The last *four* Supreme Court appointees have all proven far more hostile than their predecessors to federal preemption. As a result, preemption doctrines have been greatly weakened, and may be on the verge of a fateful collapse—one potentially dangerous for corporations.

An additional danger is an emerging coalition of liberal, pro-regulatory judges and conservative "states' rights" enthusiasts who erroneously associate state tort law, trial lawyers, and New York attorney general Eliot Spitzer with "federalism." Spitzer has often, and proudly, painted his attempts to regulate the nation's financial markets in accordance with his own business model as pristine exercises of federalism. "The whole new federalism approach vaunted by the Bush administration and the Reagan administration was designed to empower state securities regulators," he has claimed. "That's what I'm doing." Similarly, trial lawyers insist that class actions with millions of plaintiffs across the country, against multinational corporations, are the inalienable prerogative of some state judge and local jury. Why? Because, they say, tort law is "the traditional province of the states."

Constitutionally, this is nuts. Rightly understood, federalism means that states must be free to govern their own affairs—which in turn means that they must refrain from elbowing their way into other states' affairs. (Spitzer's perceived authority to regulate securities firms and transactions in all 50 states is as intellectually coherent as an individual "right" to mutual aggression.) The Founders were fearful to the point of obsession over parochial state interferences with the national economy and with sister states' interests, and they wrote a Constitution to forestall such state-on-state aggression.

And yet, many respectable conservative jurists—including many of the justices who have carried out the Rehnquist Court's so-called federalism revolution—have somehow persuaded themselves that anything the states want to do is, *ipso facto*, "federalism." (A few such jurists wear their willingness to enforce this false federalism—even at considerable cost to the economy—as a badge of constitutional integrity.) This attitude has contributed greatly to the federal judiciary's crabbed commercial jurisprudence: its failure to enforce the constitutional protections against the extraterritorial exercise of state power; a great reluctance to guarantee corporate, out-of-state defendants an unbiased federal forum instead of the plaintiff bar's hand-picked state hellholes; and an unduly restrictive view of federal preemption. And so, trial lawyers and state AGs get to run the national economy. The defense bar's palpable alarm over that trend is a poor substitute for corporate America's failure to pay attention at the front end, when federal judges are nominated and confirmed.

What, then, should business look for in a judge or justice? The first priority is to think "principle" and to support first-rate candidates who actually comprehend the Constitution—who will enforce the rules that are in the document and reject the snazzy rights that are not. While serious constitutionalism does not invariably guarantee "pro-business" results, it would be silly to deny the correlation. As the Supreme Court has demonstrated, justices who rely on international law to invent homosexual rights will soon deploy that body of "law" against corporations. Serious constitutionalists will do neither.

Beyond that, the Supreme Court, business, and the country would all benefit from the appointment of justices who are aware of both the importance and the realities of business litigation. The sitting justices have resolutely refused to tackle the inconsistencies and absurdities that, after decades of neglect, afflict nearly every area of commercial litigation.

On the vital question of class actions, for example, highly restrictive doctrines have made multistate class actions an endangered species in the Seventh Circuit Court of Appeals, which covers Wisconsin, Indiana, and Illinois. In contrast, the Second Circuit—which comprises New York, Connecticut, and Vermont—has become a notorious class-action mecca. After years of unsuccessful Supreme Court petitions, most appellate lawyers have abandoned all hope of persuading the Court to bring order to the field. Perhaps the justices will always prefer sexy constitutional questions to seemingly humdrum business questions. But the persistent failure to raise those questions in the course of judicial-nomination battles

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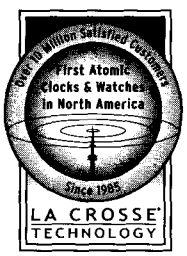

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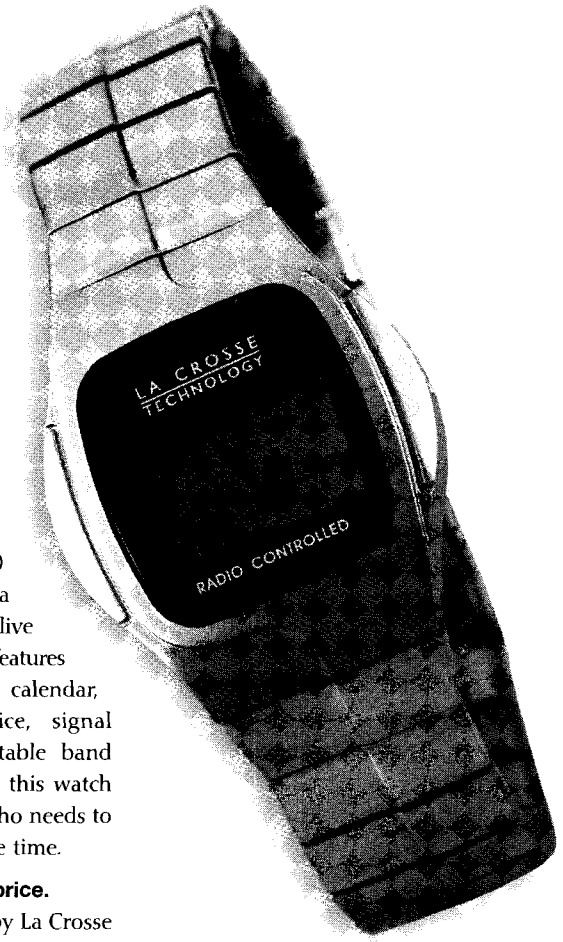

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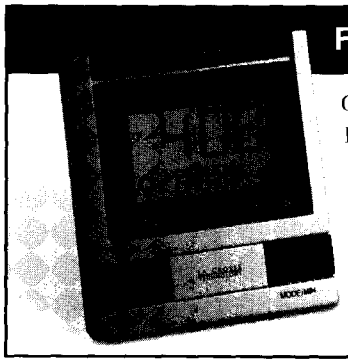

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sends a powerful signal both to the appointees and to sitting justices that nothing is *expected* of them in that arena. Small wonder they behave accordingly.

Judicial indifference has been accompanied by a dismaying ignorance about the real-world practice of law. In *Clinton* v. *Jones* (1997), the Court held that a sitting president lacks immunity from civil suits and dismissed the president's concerns over vexatious and burdensome litigation, essentially on the grounds that even the busiest officeholder could surely find time for a few depositions. As Justice Breyer noted in a powerful but characteristically lone concurrence, the *Clinton* opinion betrays an utter incomprehension of the purposes, contours, and dynamics of modern litigation. That same incomprehension has produced atrocious decisions on matters from asbestos to international antitrust disputes.

Practical knowledge of commercial litigation and constitutional seriousness—including an appreciation of the need to protect the national economy from parochial state interference—by no means translate into flabbiness on social issues. Judge Michael McConnell, for example, is widely recognized as one of the finest constitutional scholars of his generation. Prior to his appointment to the Tenth Circuit Court of Appeals in 2002, he made an illustrious career as a law professor and business lawyer, and unquestionably possesses the expertise required to bring coherence and sense to the Supreme Court's religion decisions.

Conversely, not every social conservative is acceptable to business. Another "states' rights" votary, especially one without practical experience in business litigation, would at best spell continued inattention to the wretched state of our commercial Constitution. At worst, he would turn federal law into a trial-lawyers' bill of rights. Business has every incentive to express opposition to such candidates, and every right to lobby for nominees whose views reflect the full range of conservative principles. The White House and the GOP leadership have every reason to listen. Without active business engagement, and without some implicit bargaining and cooperation between social and economic constituencies, the upcoming battles may end badly for both. **NR**

■ **THE WORLD**

Before You Join . . .

Turkey, and the rest of us, should rethink its accession to the EU

ALEXANDER ROSE

Well, at least the Belgians are against it. And Hans-Gert Poettering, chairman of the Christian Democrat bloc in the European Parliament. And Durmus Hocaoglu, an associate professor at Istanbul's Marmara University. And, er, me.

Strange bedfellows, Alex!, I hear you all cry. What ever can have persuaded this disparate band to unite? Why, the question of Turkey's becoming a member of the European Union, an issue resurrected in December when the EU decided that negotiations should open later this year. In a decade's time, should the country satisfactorily fulfill the "Copenhagen Criteria"—so becoming a lawful, stable democracy that respects human rights, has a market economy, and adopts the common rules of the EU—Muslim, Middle Eastern Turkey will be officially European. It's a momentous thought. Still, we unmerry few are against it, even if everyone else seems cock-a-hoop over the idea. I'm a new convert, to the con side, having energetically backed Turkey's bid for years. I took another look.

There are four arguments consistently put forward by advocates of Turkish accession. The most often heard is the Ebony-and-Ivory ("li-ving in per-fect har-mo-ny") Ploy. In short, not only does Turkey sit at the "crossroads of civilizations" between the "Christian" and Muslim worlds, it has always been part of Europe thanks to its empire in the Balkans.

Geographically speaking, Turkey does indeed sit at a crossroads, but so what? Since when did geography act as the sole determinant of history? And, further, politics hinges on present realities, not on pseudo-historical claims. Consider, too, that Russia also sits at a geographical crossroads, that between Europe and Asia, yet no one is suggesting that she join the EU. As for the imperial claim to membership, Ottoman possessions in the Middle East dwarfed those in Europe, yet Turkey does not belong to the Arab League. True, Turks aren't Arabs, but if geographical and historical determinism really matters so much, that's a mere quibble.

The Bush administration, which has backed Turkey's suit from the get-go, has developed a variant on the Ploy we might call the Neocon Defense. That is, Turkish integration will demonstrate that Secular Democracy Works. We will witness a series of democratic revolutions sweeping, like Lawrence of Arabia, through peninsula and gulf and wadi. Yet Turkey has been a working secular democracy since 1923 and doesn't seem to have had much impact heretofore. Why will Europe's imprimatur make a difference?

If anything, the Iranians and the Syrians, whose countries border Turkey, are rather more likely to be aggravated than inspired by the sudden arrival of the "Christian" EU on their doorstep when the "European" border shifts to the Anatolian hinterlands. It's going to look to them like the Crusades all over again, and you know how worked up they get about that. (And don't let's forget Turkey's troubled borders with Georgia, Armenia, and Azerbaijan, as well as Kurd-controlled Iraq.) So many flarepoints, so little time: Is allowing Turkey in really worth the hassle? And Washington should ask itself: Does it want an expanded EU competing with it in the Middle East for influence?

Another variant is the Or-Else Threat. Blackballing Turkey will, we hear, cause its secularist system to fall victim to Islamists. Yeah, maybe. But this is to forget that Turkey, where secularism has a different meaning than in the West, already has a moderately religious government, and in any case, what's to stop the Islamaniacs from taking over once Turkey is *in* the EU? Keep in mind that the longtime EU membership of France, Germany, and Britain has not inoculated *them* against unpleasant radicalism among their Muslim populations.

Moving on to the second argument:

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the Free Lunch Scam.

Faced with a decrepit population, the Euros want to import cheap labor to keep them in beer and *boules* after their pension system collapses. But this Edenic scenario ignores the practical problem of integrating tens of millions of Muslims into a Europe where tensions are already high between unassimilated ones and the natives. In EU institutions, I should add, voting power and influence depends heavily on size of population. At 71 million now, by 2015 Turkey would have equal weighting with the current leader, Germany; given the relative birth rates between the two countries, Turkey is predicted to overtake its rival by 2025.

For their part, the Turks, touchingly, are laboring under the misapprehension that the EU is going to give them so much cash they'll be able to swim in the stuff, as Scrooge McDuck used to do. But there is a price: Turkey must surrender its sovereignty and assent to the *acquis communautaire*, the existing and expanding body of EU law that enjoys primacy over national legislation. No longer will Ankara make her own decisions on everything from dairy hygiene to "audio-visual policy" to interest rates to dealing with Iran.

So bewitched are they over the prospect of lavish "budget transfers" (as the jargon has it), the Turks have no idea of what lies in store. According to the July 2004 report on public opinion in the older members, the new member-states (NMS), and candidate countries by the EU's official pollster, Eurobarometer, the Turks listed their top three concerns as unemployment, the economic situation, and inflation, and named the army, the police, and the legal system as their three most trusted institutions. They were the most likely of anyone to believe the EU to be effective in reducing taxation—heaven knows where they picked up that bizarre idea—and least likely to say that the EU could fight. Kemalist instincts blazing, nearly three-quarters of Turks said they trusted their national parliament, compared with an NMS average of just 16 percent. What we have here, in other words, is a nation of patriots who think the EU will cut their taxes and leave it at that.

Eurobarometer also found that Turks know the least of anyone about the EU. They received the lowest score in answering a general-knowledge quiz containing true-or-false statements ranging from, "The EU consists of 12 member states" to "The headquarters of the EU are in Strasbourg." No fewer than 34 percent of Turks could not answer a *single* question correctly. They also recorded the dubious distinction of being the least aware of such entities as the Court of Justice, the European Commission, the Central Bank, and even the European Parliament. I suspect that if the Turks became better informed about the *acquis* and the institutions invented to enforce it, they might start rethinking this whole EU bag. There is, indeed, no such thing as a free lunch.

The third argument is the Euroskeptic Gambit. A clever one, this. Despite the EU's obsession with becoming a centralized hyperpower, the shattering impact of Turkish entry would "necessarily mean devolving some powers back to the national capitals" to prevent an explosion, as Daniel Hannan, a British member of the European Parliament, recently put it. I quite agree that EU reform is made more probable by Turkish accession, but I think it would be reform in the *opposite* direction: As it has for decades, the EU, like the Borg (which it kinda resembles), would successfully adapt to the challenge by becoming *more* centralized, not less, in order to harmonize differences. Ironically, then, by supporting Turkish aspirations so as to weaken the EU, the Euroskeptics would fall prey to the still more fiendishly cunning Europhile Variation, in which the EU actually becomes stronger and more unified.

Europe and Turkey, going together?

The final argument is the Head-Patting Principle. Good little Turkey, it is claimed, has patiently waited since the 1950s for its turn, and in the meantime has undertaken wide-ranging structural, economic, constitutional, and social reforms to fulfill the Copenhagen Criteria. Turkey *deserves* a pat on the head by being let in, put simply. Not quite. Membership of the EU is not solely conditional on fulfilling these criteria. Otherwise, Canada could join. It's subjective, of course, but Turkey does not, as yet, feel or look European enough to pass muster, and demanding rewards for good behavior is a risky political tactic.

In any case, the Turks would have to be mad to rely on non-binding assurances by various European politicians that all will go well for them. All it takes is just one veto by an EU member-state to end a candidate's chances, and Turkey has plenty of enemies lurking behind the scenes. But they should look on the bright side. Thanks to all those reforms, Turkey has amplified itself into a powerful and booming regional power on friendly terms with the U.S., the EU, and its neighbors. There's simply no need to prostrate itself before Brussels, especially since Turkey bagged the elephant ten years ago: a customs-union agreement with the EU that erased trade barriers between them. Since then, Turkish business and the stock market have flourished—*without* signing up for the leaden weight of the *acquis*.

If she keeps pushing for full membership while quietly dampening expectations at home, an independent Turkey can even hold out for a "Privileged Partnership" with the EU—a high-status agreement full of economic, security, and political goodies but containing only such parts of the *acquis* as Ankara wants. The Euros will be relieved just to see the Turkish question resolve itself so nicely. For Euroskeptics across the Continent, there would finally be a working alternative to the determinist, expansionist, self-aggrandizing tendencies of Brussels. And if Ankara were really deft, in league with other non-EU European states it could simultaneously arrange to join a trans-Atlantic version of NAFTA.

These are solutions that will please (most of) the Europeans, satisfy us, and, most important, give the Turks a reason to cheer their pashas. **NR**

DARREN GYGI

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An Assessment of Arafat

Will his death open the way for peace?

In 1979, under the stewardship of President Jimmy Carter, Israel and Egypt signed the Camp David peace treaty, by which Israel committed itself to yield the Sinai to Egypt, together with all its material and strategic assets. The whole world hoped that this historic handshake would indeed finally bring peace and tranquility to the troubled Middle East.

What are the facts?

Review of an Evil Life: In order to analyze the situation, it is necessary to assess Yasser Arafat and what he has wrought. A Latin proverb admonishes us to say nothing but good about the dead. The Bible, on the other hand, in Proverbs (11:10) states that "when the wicked perish, there is shouting." Following that admonition, one can say without hesitation that Yasser Arafat was certainly one of the most wicked men of this and the last century. While he was not able to work on as vast a plane as Adolf Hitler and Josef Stalin, he was certainly in the same evil league.

Here are just a few "highlights" of this monster's career. He was personally responsible for the murder of eleven Israeli athletes at the 1972 Munich Olympics; he directed the execution of two American diplomats in Sudan; he masterminded the cold-blooded murder of 25 people – 21 of them children – in Ma'alot, a city in northern Israel; he authorized the takeover of the Italian cruise ship ACHILLE LAURO, and the murder of a wheelchair-bound American citizen. He was the originator of the infamous crime of suicide bombings and brought it to a horrified world. He was the inventor of the hijacking and bombing of airplanes that killed thousands. And that is just the tip of the evil iceberg.

> "Arafat's main interest was not the creation of a Palestinian state. His primary goal, ceaselessly pursued, was the destruction of Israel."

As a result of the disastrous Oslo Accord, Arafat was allowed to return to Israel from his exile in Tunis. In the last year of his presidency, President Clinton convened a Camp David summit with Arafat and Ehud Barak, then the prime minister of Israel. Arafat got virtually everything he ever demanded, except the "right of return" of the descendants of the Palestinian "refugees," which would have been the end of the Jewish state.

Little Hope in the New Man: Arafat rejected this more than generous offer and decided instead to start his bloody "intifada," which by now has cost over 1,000 Jewish lives – and three times as many Arab lives and untold thousands wounded on both sides. The Palestinian economy is in ruins. More than one-half of its population is without work; famine would be rampant were it not for the constant infusion of cash by the U.S. and other western countries (most of it pilfered by Arafat and his cohorts and stashed in secret accounts all over the world).

But the greatest harm, the greatest crime that Arafat committed was to poison the minds of two generations of Palestinian Arabs against Israel and against the Jews. Evil propaganda permeates all Palestinian media. Palestinian children, beginning with pre-school, learn to hate Jews and Israel, and to become *"shahids"* – martyrs and suicide bombers. The State of Israel does not appear in Arab textbooks; the area is described as "Occupied Palestine." Even with the best effort, it may take at least two generations to change that mind set.

In retrospect, it seems almost incredible and a cruel joke that such a man, such a fiend, would have received the Nobel Peace Prize and that presidents, prime ministers and secretaries of state of major countries would have attended this man's funeral in Cairo. Our president at least had the good taste to send only a lower-level state department functionary.

Much hope is pinned on Mahmoud Abbas, who appears likely to emerge from the inevitable power struggle as the new leader of the Palestinians. But it is most likely that this hope is misplaced. Sure, Abbas obviously has a better tailor and a better barber than Arafat had, and that might make him appear more congenial to Western audiences. But he was Arafat's second-in-command for decades and shares his late master's views in all respects. He got his doctorate in political science from a Soviet university and wrote his thesis on the Holocaust never having taken place. He has already put himself on record that in any negotiation with the Israelis to which he might agree, he will never waver on his insistence on the right of return of the Palestinian "refugees." Since that is obviously a non-starter, it appears that no peace, no settlement can be reached with this man.

Arafat is dead and has gone to his "reward," wherever that might be. He left his people and the territory that the Israelis had generously yielded to him in a shambles. He refused to create any institutions that could possibly become precursors to a government. He looted the treasury that foreign countries – mostly, of course, the United States – had generously provided for the welfare of his constituents. He implanted hate and poisoned the minds of his people. His main interest never seems to have been the creation of a Palestinian state; his primary goal, ceaselessly pursued, was the destruction of Israel. With that heritage, it will take a very long time, if it can ever happen at all, that peace between Arabs and Jews can come about.

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■ THE WORLD II

With the Chinese Christians

Worshipers in a dark place

JASON LEE STEORTS

Beijing

I MEET Qiu Yue and her friend Yang Jie at an average-looking restaurant. Qiu has chosen the place precisely because it is unremarkable. Our meeting must have a low profile: Qiu and Yang's safety would be jeopardized if the authorities knew they were having lunch with a Western journalist. In fact, Qiu fears that her security has already been compromised. She suspects that her phone has been tapped, and knows that her e-mails, like those of everyone else in China, are screened by software that searches for terms deemed politically sensitive. We have therefore taken precautions: Our phone conversations have been short and vague, and in our e-mails we have made a habit of writing "C" instead Christian, "B" instead of Bible. Probably we have avoided detection. But one cannot be sure.

Qiu and Yang (which are pseudonyms) belong to "house churches" here in the capital. A house church is a Protestant Christian assembly that is illegal, having refused to register with the Chinese government and join the Three Self Patriotic Movement, the Communist party's umbrella Protestant organization. A similar division exists within Chinese Catholicism: The Patriotic Catholic Association, which is controlled by the Party, does not recognize the authority of the Pope, while an illegal Catholic church remains loyal to the Vatican and operates underground.

Those unacquainted with contemporary China are often surprised to learn that the Communist party sanctions a kind of Christianity. But this is not surprising when one realizes that many of the Party's propaganda efforts involve the presentation of a simulacrum of genuine freedom. Religion is a case in point. Although the Party remains dogmatically atheist, it permits worship in state-approved churches such as the Three Self Patriotic Movement. But because China's Communists remain hostile to anything that posits a source of authority higher than the political, they carefully control what is taught in these official churches to ensure that the realm of the divine is firmly subjugated to the authority of the Party.

This subjugation manifests itself as a tendency to strip from Christianity its claims to transcendence. "The Three Self Church has never preached Christ's Second Coming," says Qiu. "They don't think that Mary was a virgin. They think Christ had an earthly father." The only kind of Christianity to receive official blessing is thus sundered from many of Christianity's essential doctrines and reduced to a collection of moral precepts.

The Three Self Church also uses religious instruction as an opportunity for political indoctrination. As an example of this, Qiu adduces the Three Self Church's teachings about Lei Feng, a Chinese peasant-turned-national-hero who was lionized by Mao for his supposed acts of selflessness and political service (acts which, incidentally, many Western historians now believe never happened). The Three Self Church teaches that Lei Feng, in virtue of his service to the country, will go to heaven. The political message of such a teaching cannot be overlooked: Lei Feng is one of the Party's best-known symbols.

"Lei Feng's works focus more on serving the government than on serving Christ," says Qiu. That is an understatement, and Qiu—perhaps because she is accustomed to having to be careful—tends toward moderation in her criticisms of the Chinese government. She even makes a point of telling me that her church prays for Hu Jintao and the Party leadership. But she leaves no doubt that official Chinese Christendom "combines religion and politics," and that she finds this unacceptable: "We want our faith just to be our faith." Some 80 million Chinese Christians feel likewise—and, like Qiu and Yang, have gone underground.

Some 80 million Chinese Christians have gone underground.

Some of them have been treated with a kind of benign neglect. "The government knows where [our] church meets," says Qiu. "They leave us alone." This is partly a matter of necessity: "If they put everyone in prison there won't be enough room in the jails." Consequently, the government ignores those who keep a low profile. "If we go to Tiananmen Square and preach that Jesus Christ is coming, they'll give us trouble. But we don't do that."

Yang Jie's church, however, has not been so fortunate.

Last September, the pastor of Yang's church, Cai Zhuohua (his real name), was arrested. Police from China's Security Bureau searched his home and a neighboring building that housed a printing press. The owners of the press had cooperated with Cai to print some 230,000 Bibles and religious tracts. The police confiscated all of these materials and arrested two young women who were working at the press. They were later released, but remain under watch.

Cai's wife, who was not with her husband at the time of his arrest, fled to a coastal province, but was caught shortly thereafter. Her older brother and his wife were also arrested. They, along with Cai, are still being held incommunicado. The only members of the pastor's immediate family to avoid arrest were his four-year-old son and his 70-year-old mother, who are currently being cared for with donations from church members.

The day after Cai was arrested, an underground seminary associated with his church was also raided. More than 20 policemen surrounded the seminary and arrested its students. (Yang, who was enrolled at the seminary, happened to be away at the time, and thus escaped.) Beijing's Public Security Bureau held the students for three days, fined them a hefty amount, and sent them to their home provinces for punishment by local authorities. Yang suspects their punishments have been severe, although he has no way of contacting them.

I ask Yang what will happen to Cai, and he says that no one knows. Cai stands accused of being a "counter-revolutionary." Once tried for this offense—of which he will almost surely be found

Mr. Steorts is a freelance writer.

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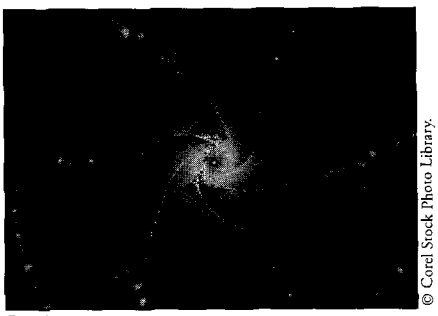

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guilty—he will receive a prison sentence of anywhere between three years and life. While hoping for the best, Yang fears that "he will be punished very heavily."

If the pathos of Cai Zhuohua's story lies in the details of his persecution, the pathos of Christianity in China lies in the fact that these details are altogether ordinary. Over the summer, Western media reported that the task force originally set up to crush Falun Gong was carrying out a crackdown on rural Christians. Stories of arrests were widespread, and included news of the imprisonment of more than a hundred Christians attending a retreat in Chinese Turkestan (Xinjiang). And Chinese Christians often meet fates worse than imprisonment. Some are sent to labor camps; others fall victim to the arbitrary brutality of rural officials, as Jiang Zongxiu did. Last June, she was arrested in Guizhou Province for handing out Bibles, and was later beaten to death by the police.

But such persecution does not defeat the spirits of China's Christians. Remarkably, Cai Zhuohua's church continues to meet under the direction of Yang Jie, who says that he is not intimidated, and that Cai's example is a motivation for his service. If anything, the crackdown appears to have strengthened Yang's faith: "That we are able to continue under these circumstances shows that God is with us."

Qiu Yue, for her part, hopes to return to her native province of Jilin as her church's first missionary. She now teaches English to middle-school students, and they sometimes ask her about her religion. She answers them. "At my work, they told me, 'Don't speak about Christian ideas to the students; it will be dangerous.' . . . But God has given me courage to speak."

Qiu says her church baptizes three or four new members every week. On this very day, her parents have been baptized. Yang's church grows at a similar rate. These facts, along with the remarkable courage of Yang and Qiu, lead one to believe that Christianity will thrive in China despite the Party's oppression. Indeed, Christianity's history demonstrates that it is able to flourish even under the most extreme forms of persecution.

Even as we hope, however, we should remember Cai Zhuohua in his jail cell—and take the opportunity to say that there are things that must never be excused. **NR**

■ **CULTURE WATCH**

The Meaning Of a Riot

In Britain, Sikh militants close a play—early

ANTHONY DANIELS

By now, we are so used to the idea of Islamic extremism and intolerance that we are surprised when anyone else shows the same disposition. But fanaticism, like totalitarianism, is a permanent temptation: It gives one such a warm, glowing sense of metaphysical purpose beyond the petty purposes of day-to-day existence.

Nevertheless, the riot by a few hundred Sikhs at the Repertory Theatre in Birmingham—which led to the evacuation of the audience, caused injuries to several policemen and a lot of broken glass, and resulted in the withdrawal of the play to which they objected—came as a surprise to the general public. Even the least multiculturally attuned of us can see that the Sikhs are not Muslims: Why, then, were they displaying such bigotry? Surely, it is the task of the Muslims alone to be bigots?

Even the least multiculturally attuned of us can see that the Sikhs are not Muslims: Why, then, were they displaying such bigotry?

The play, by a 35-year-old Sikh woman playwright called Gurpreet Kaur Bhatti, portrayed the rape and murder of a woman inside a Sikh temple by a man who (as it happened) had also had a homosexual relationship with his victim's father. It seems these days that all dramatic puddings must be over-egged to tickle the jaded palates of theatergoers, for whom rape in a temple unaccompanied by any other perversion would be simply too tame to attract attention. At any rate, the playwright soon received credible death threats from fanatical Sikhs and had to go into hiding.

These events came as a surprise because the Sikhs—the second-largest religious group of immigrants to England from the Indian subcontinent—have in general integrated well into British society. They are not felt to pose any kind of threat; they do well, both educationally and commercially. Despite their striking appearance, they are rarely treated as a separate group by the media, which is a sign of—and silent tribute to—their success. Unlike young Muslim men of Pakistani origin, they show no signs of becoming gaol fodder. With a few exceptions, their marriage customs are distinctly more civilized than those of the Muslims, and in some respects better than the native ones. Unlike the Muslims, they do not force their children, by threats of violence or even death, to marry those whom they have selected for them, but rather they give them the right of veto. Their theory is that love follows marriage, and deepens as the couple comes to share experiences, including that of having children. It is a more mature and realistic theory, in most cases, than the native Romeo-and-Juliet theory, which so often nowadays ends in bitterness, recrimination, and divorce (or separation, when, as increasingly, there is no marriage in the first place).

Nevertheless, it would have been possible to find within a mile or two of the Repertory Theatre signs of Sikh militancy, albeit the militancy of a minority. (The Sikh residential area of Birmingham is within easy walking distance of the theater.) Walls in the area are sometimes daubed with the slogan "Free Khalistan," a reference to a proposed independent state for Sikhs, to be carved out of India by violent means. Sikh terrorism in India has largely been funded by British (as well as Canadian) Sikhs, for reasons that have nothing to do with any mistreatment they have suffered. At the height of the violence in the Punjab, I met Sikh terrorists from India posing as asylum-seekers, who were fund-raisers and recruiting agents for their cause.

Mr. Daniels is a prison doctor in Birmingham.

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TO CONVICT ONE DOCTOR, ZEALOTS AT DEA TORE UP PAIN GUIDELINES DEVELOPED OVER FOUR YEARS.

Last August, after an historic collaboration between the Drug Enforcement Administration and the University of Wisconsin's Pain & Policy Studies Group, the DEA published new and widely applauded Pain Management Guidelines intended to protect physicians from prosecution by overzealous federal agents. In October the DEA suddenly withdrew the Guidelines, effectively trashing years of effort. Why?

According to the Washington Post, "The DEA's abrupt turnaround appeared to have been triggered when defense lawyers tried to introduce the new Guidelines in the trial of Dr. (William) Hurwitz" -- a Virginia pain specialist accused of overprescribing. Shortly after the Guidelines were withdrawn, the US prosecutor successfully petitioned the court to exclude them as evidence.

In the Pain Guidelines, the doctors and the DEA had agreed that the government should stop investigating doctors like Hurwitz simply for being active in pain management -- and stop prosecuting those few who followed the recommendations but unwittingly prescribed opiates to deceitful patients. The DEA arbitrarily reversed that agreement.

Dr. David Joranson, head of the University of Wisconsin Group, says the "DEA's abrupt withdrawal of support for the [Guidelines] without consulting with coauthors about their concerns, raises questions about what advisory role, if any, the pain management community can expect to have with DEA." The agency's changes, he says, "are likely to interfere in medical practice and pain management."

His colleague, Dr. Russell Portenoy of Beth Israel Medical Center, told the Washington Post that the DEA has changed "the tone of the dialogue in a way that is very worrisome. We're seeing more of an emphasis on law enforcement and less on the legitimate use of prescription narcotics."

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Moreover, even moderate Sikhs do not feel well-disposed to their Muslim neighbors, to put it mildly—and vice versa. There is no better way to ignite a little civil war in the streets of Birmingham than for a Sikh boy to be seen out with a Muslim girl, or a Muslim boy to be seen out with a Sikh girl. This is quite beyond the pale: Only a Sikh or a Muslim girl seen out with a Jamaican boy could be worse, that being considered almost a form of bestiality. The pieties of multiculturalism seem slightly etiolated in the light of these social realities (I shall never forget a Sikh patient, a boy of 17, who nearly had his arm cut off with a machete about a hundred yards from the entrance to my hospital, because he was going out with a Muslim girl). Needless to say, I have never seen them referred to in the British press.

So while the Sikhs have generally integrated well, and are notably law-abiding (though I do meet the odd drunken Sikh in prison who has chastised his wife with a cricket bat—much less dangerous than the baseball bats favored by the truly criminally inclined), they are a martial race, or rather religious community, not to be trifled with.

The riot of their militant minority at the theater was, of course, wholly reprehensible and a threat to freedom of speech. This, unfortunately, was not how the government minister in charge of something called "community integration" (a job opportunity if ever there was one), Fiona Mactaggart, saw it: On the contrary, she saw the evacuation of the terrorized theater-goers and the injury of the policemen as a triumph for free speech. Bearing in mind that her own parliamentary constituency contained a large number of Sikhs, and that therefore her reelection and entire political career depended upon what she said, she delivered herself of these immortal words:

> I think that when people are moved by theater to protest, in a way that is a sign of the free speech which is so much part of the British tradition. I think that it is a great thing that people care enough about a performance to protest.

This is a bit like saying the German population cared enough about theology to burn down synagogues during the Kristallnacht.

Ms. Mactaggart's remarks were, however, truly in accord with a new British political tradition that, alas, has nothing to do with free speech: ruthless pusillanimity. This unpleasant alliance is completely careerist in inspiration, and utterly characteristic of the Blair government: Let the theaters burn, so long as I retain my seat. No doubt this accounts for why the playwright was refused official police protection.

As for that fearless proponent of complete artistic freedom, the Birmingham Repertory Theatre, it has not exactly covered itself in glory, either. In talks with Sikh elders before the play was staged—arranged because it feared that there might be a strong reaction to it among Sikhs—the theater refused to accept that the offending, and offensive, scene should be recast in a Sikh community center rather than a temple, as proposed by the Sikh elders. In other words, these elders were not trying to maintain that Sikhs never behave badly, or are never guilty of rape or sexual abuse. It is even possible to make the case that by shifting the scene from temple to community center the point, such as it was, would have been strengthened, not weakened.

The theater, however, decided that there could be no compromise in matters of artistic freedom—until, that is, there was violence, and its very large glass frontage was smashed by irate fanatics. Then glaziers' bills suddenly became the better part of liberty, and the play was withdrawn the very next day. As is now traditional for the British intelligentsia, the artistic direction of the theater had managed to get the worst of both worlds: First, it had demonstrated a complete insensitivity to the feelings of a religious minority, and then it had abjectly surrendered to threats of violence by a minority of that minority. It proved conclusively that the way to get what you want in modern Britain is to issue death threats and break not just windows but the law.

Like most of those who have written about the episode, I cannot speak of the play's artistic merits, though a scene of rape in a temple by a man who has had homosexual relations with his victim's father is enough to make my heart sink because of its moral predictability, its quality of cliché. Now a play about the conflict between Muslims and Sikhs in Birmingham, or even better, their mutual hatred of the Jamaicans—that would be worth being martyred for. At least the audience would have learnt something. **NR**

DARREN STAPLES/REUTERS

Outside the Repertory Theatre in Birmingham

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The Calamitous Decline of the Catholic Church in the U.S.

In 1965 there were 58,000 priests in the U.S.; in 2002 there were 45,000, of whom 16% come from other countries.

In 1965 there were 1,575 ordinations to the priesthood; in 2002 there were 450.

In 1965 there were 49,000 seminarians; in 2002 there were 4,700.

In 1965 there were 180,000 sisters; in 2002 there were 75,000, with an average age of 68.

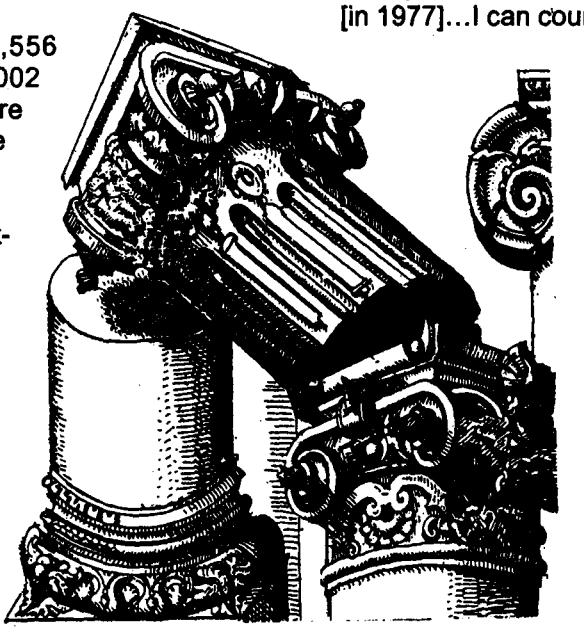
In 1965 there were 1,556 Catholic high schools; in 2002 there were 786. In 1965 there were 10,503 Catholic grade schools; in 2002 there were 6,623.

In 1958 weekly Mass attendance was 74%; in 2000 it was 25%.

In 1968 there were 338 annulments; in 2002 there were 50,000.

And now 53% of Catholics believe you can have an abortion and still be considered a good Catholic.

(Our source: *Index of Leading Catholic Indicators* by Kenneth C. Jones.)



And the above does not include all the parish closings, or the outrageous clerical sex scandals and episcopal cover-ups.

It's time to stop pretending that Vatican II has "renewed" the Church.

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■ COVER ESSAY

An Idea Whose Time Has Come

The necessity and desirability of Social Security reform

RAMESH PONNURU

PEOPLE think that Social Security reform is an incredibly complicated and difficult subject. But it's not, really. The program's benefits are rising faster than its revenues, which means we're going to have a lot of trouble paying for those benefits. The program also offers young people a lousy deal. The solution is, first, to keep future benefits from growing so fast. But acknowledging that benefits have to shrink doesn't make the program a better deal for young workers. So, second, something should be done that lets them build up retirement savings to make up for it. Which means their taxes should be cut a bit, too, on the condition that they invest the money they get for retirement. That, in a nutshell, is the reform President Bush seems inclined to propose. There: Was that so hard?

It's not the reform itself, but the politics of reform that is difficult, and may well sink Bush's proposal in Congress. And it's politics that has generated much of the confusion over basic facts in the Social Security debate.

Most Democrats already oppose Bush's reform, and they have many reasons for opposing it—starting, in many cases, with the genuine conviction that it is a bad idea. But it is very hard to have respect for people who are trying to discredit reform by minimizing the program's problems.

Social Security has mostly been a "pay as you go" program. Today's workers finance, with their payroll taxes, the retirements of today's senior citizens. When those workers get old, they will in turn rely on taxes from their children's generation. But increased lifespans and decreased childbearing have made this bargain hard to sustain. In 1950, there were 16 workers supporting each retiree. There are 3.3 today. By 2040, there will be only 2.1.

Benefits are calculated using a complex formula. If you had higher wages, and thus paid more payroll taxes into the system, you'll get a higher benefit. But benefits don't rise in exact proportion to wages: There's some (somewhat haphazard) redistribution to the poor. Homemakers get a benefit, too; the system, it might be said, recognizes that they have contributed to it by nurturing the next generation of taxpayers. During your retirement, your benefits go up every year to keep up with inflation.

A TRILLION HERE, A TRILLION THERE

A worker who has earned the average American worker's wage each year will get $14,854 from Social Security this year if he retires now. Because wages grow over time, so do benefits. By 2050, the average worker's retirement benefit is expected to be $23,811 (adjusting for inflation). That's 60 percent higher than today.

That growth is what is causing the fiscal problem. In 2018, the program is expected to start sending out more checks than it collects in revenues. The system has an expected $283 billion shortfall during the following five years. By 2045, it is expected to lose $394 billion in one year. (There's an asterisk by that number, though, as we'll see below.) One way to measure the financing gap is to estimate how much additional money the government would have to devote to Social Security *now* to make the program permanently solvent. Depending on how you calculate it, that number is $10 to 11 trillion. That's larger than our entire economy.

The president says that "the crisis is now." That comment has inspired a lot of fairly tedious semantic debate. Let's just say that we have a serious problem. It is true that we do not have to fix it immediately. It is also true that every year we wait, the choices get worse. We can gradually cut benefits if we get started now. If we don't, we will have to cut them (or raise taxes) very sharply. Andrew Biggs, now a commissioner at the Social Security Administration, has estimated that delaying reform for one more year will cost $600 billion—and that cost goes up every year. The *Titanic* didn't have a crisis until it hit the iceberg, but it would have been better off gently steering a different course beforehand.

Liberals contend that the scenario I have painted above is alarmist. Social Security, they say, will not actually go bankrupt until 2042. The program can be saved with some minor adjustments. Just rolling back Bush's tax cuts would raise the necessary funds. If the economy grows better than expected, the program might have enough revenues to pay for its promises.

None of this is true. The idea that the problem does not start until 2042 depends on sleight of hand. For several decades, the

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program, in anticipation of the retirement of the Baby Boomers, has collected more revenues than it pays out. The surplus has been banked in a Social Security trust fund. The liberal argument is that when payouts start to outstrip revenues, in 2018, the program can just draw on the trust fund—and it can keep drawing on it until 2042, when it is scheduled to run out.

Liberals—I mean you, Paul Krugman—have spent immense amounts of verbiage obscuring the fact that the trust fund is an accounting fiction. Its assets are IOUs from the rest of the federal government. When 2018 rolls around, the government will have to find the money to pay off those IOUs. It will have to raise revenues or cut spending or borrow elsewhere to do that.

FORMS OF DENIAL

The "minor adjustments," meanwhile, aren't all that minor. The leading liberal plan on Social Security is that of economists Peter Diamond and Peter Orszag. Its backers, such as Jonathan Cohn of *The New Republic*, prefer to describe it as "a series of tweaks" that "involves both raising taxes and cutting benefits." Likewise, the *Washington Post* describes Diamond and Orszag as "'balancers,' who would use benefit cuts and tax increases in equal measure." In truth, 85 percent of the improvement in solvency their plan accomplishes would come from higher taxes. (They even propose adding some benefits.) They want to raise the payroll-tax rate. They want to raise the amount of wages to which the tax applies. Then they want to add a "surtax" to high earners.

The Congressional Budget Office (CBO) estimates that the Diamond-Orszag plan would mean that the share of the economy eaten up by Social Security taxes would grow by more than a third. (Those taxes equal 4.9 percent of the economy now but would rise to 6.6 percent by 2080 under the plan.) The cost of their plan over the next 75 years would be almost exactly the same as that of the current program. The CBO also estimates that the plan would reduce economic growth, the capital stock, and work effort.

The idea that merely repealing the Bush tax cut would pay for Social Security's promises is misleading. The people who make that claim are, again, ignoring the problem of paying off the IOUs in the trust fund. (They're assuming, that is, that the trust fund can pay for Social Security benefits painlessly.) And there's another problem. Because the income tax is progressive, its burden grows over time. As wages rise, people move into higher tax brackets. The average tax rate—the share of the economy that the government is claiming through taxes—therefore rises. The Alternative Minimum Tax exaggerates this trend.

In a recent issue of *Tax Notes*, Brian Jenn and Donald Marron note that current law would have the federal government taking an unprecedented 20.9 percent of the economy in 2018 and 27 percent by 2078. That's just by going on autopilot. The people who say we could pay for Social Security by repealing Bush's tax cuts are assuming taxes would go even higher than that. It's an unrealistic, and undesirable, assumption.

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Finally, there is the illusion that we can grow our way out of the Social Security shortfall. One of the business economists at Bush's own economic summit lent credence to this view. But the flaw is pretty obvious. Sure, higher growth would yield revenues. But higher growth would also increase wages—and since benefits are tied to wages, benefits would rise too. Growth is a very good thing, but it can't relieve us of the need to get the program's benefits structure in line with its revenues. Even if economic growth doubled, Social Security would still go insolvent. And to the degree that economic growth does help, it is mostly by swelling the balance of the trust fund, giving the system more IOUs to claim against future taxpayers.

CHECKING THE INDEX

Hence Bush's apparent support for changing the formula by which benefits are calculated. He wants benefits to keep pace with inflation—but not to grow any faster than that. The middle-income worker of 2050 wouldn't get a benefit that's 60 percent higher than that of the middle-income worker of today: He'd get the same benefit. That means that when people retire, Social Security would be replacing a smaller portion of their paychecks.

Moving from "wage indexing" to "price indexing" isn't a minor change. The middle-income worker of 2050 would be getting an annual benefit worth 37.5 percent less than he would have gotten under wage indexing. Price indexing would eliminate Social Security's shortfall all by itself. Would it be a draconian cut in benefits? If wages grow over time, workers will be putting more tax money into Social Security: Shouldn't they get bigger benefits as a result?

What that question ignores is that Social Security is not capable of converting our worker's payments into those massively higher benefits. The only way he could get those benefits is if he agreed to pay more taxes over the course of his working life (and to work in the smaller economy caused by higher taxes on everyone). The system can't pay for the larger benefits without tax increases. So nothing he could actually have, on terms he would want to have, would be taken away from him. If our worker wanted more money for retirement, he would almost certainly prefer to invest additional money himself rather than have the government raise his taxes.

In the debate over Social Security reform, even knowledgeable reformers are being careless in using phrases like "promised benefits" and "current-law benefits" to describe the 60 percent increase our median worker might get under wage indexing. The Supreme Court has ruled that nobody has a legal right to a particular benefit level. And current law includes a provision that automatically slashes benefits when the "trust fund" runs out in 2042. The current projections have benefits getting cut by 27 percent—and not gradually, but in one year, with more cuts following. (And this is after the program has already generated $5.8 trillion worth of debt as the trust-fund IOUs are redeemed.) If you take account of that, Bush's cuts don't look so big after all.

THE CASE FOR PERSONAL ACCOUNTS

If price indexing will balance the books, it might be asked, why does Bush also want to introduce personal accounts? There are three answers to that question.

The first is that solvency isn't the only problem with Social Security's current structure. It takes a lot of money from young workers without giving them much in return. The program can afford to give a middle-income 25-year-old only 91 cents for every dollar he is going to put in over the course of his working life. Price indexing recognizes that reality, but does nothing to improve it. Personal accounts are a way of softening the blow. People would be able to supplement their reduced Social Security checks with the wealth built up in their accounts.

The second way to look at it is that the accounts are a way of putting Social Security on a firm footing. We would be moving from a "pay as you go" model in which each generation funds the retirement of the next to a "pre-funding model" where each generation saves in advance for its own retirement. If the government tries to do the pre-funding for us, without letting us have the money in individual accounts, there's a greater risk that the money will be diverted to other programs. The government could also gain too much influence over the economy if it tries to invest all that money itself.

The third view is that making it possible for millions of Americans to buy a share of the economy through personal accounts would be a good thing in itself. It would give them wealth they could hand on to their heirs. It would make them worker-capitalists with a direct interest in sound economic policies. Edward Prescott, the 2004 Nobel Prize winner in economics, argues that letting people invest payroll taxes would also expand the economy by stimulating them to work more. The CBO has found that a plan including price indexing and personal accounts would lead to a larger economy. National wealth would be 10 to 12 percent larger by 2080. (That's in contrast with the wealth-destroying Diamond-Orszag plan.)

Personal accounts would make millions of Americans worker-capitalists with a direct interest in sound economic policies.

Liberal politicians and journalists persist in speaking of capital-market investment as though it were "speculation" or "roulette." But nobody is talking about having 64-year-olds take all of their Social Security money and put it all on a tech stock. We are talking about letting people invest a portion of their Social Security contributions over a long period of time. There are plenty of ways to reduce the risks—by diversifying stock portfolios, by buying index funds, by buying bonds as well as stocks. People are quite capable of taking advantage of these methods (and a law establishing personal accounts would probably require them to do so). Between the end of 1999 and the end of 2002, broad stock-market indices fell by nearly 40 percent. But a report jointly produced by

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the Employee Benefit Research Institute and the Investment Company Institute found that the average 401(k) plan fell by only 10 percent. It's established fact that stocks grow less volatile over the long run: There is no 20-year period in American history in which the stock market has declined. The average annual return on stocks has been 6.7 percent above inflation.

Setting up personal accounts does, however, involve a short-term increase in the federal debt. This debt increase is the badly misunderstood "transition cost" to personal accounts. Since we have a pay-as-you-go program, most of today's payroll taxes go to today's retirees. The rest goes, notionally, to the trust fund, but really to fund other government operations (which borrow from the trust fund). If people can put some of their payroll taxes in personal accounts, the government has to find other money to fund its other commitments. The result could be $1 trillion or even $2 trillion of borrowing over the next decade.

Those numbers may look alarming. But it's important to remember that they do not represent new costs. The government is already undertaking to pay for the retirements of today's senior citizens and tomorrow's. Pre-funding part of tomorrow's retirements would not increase the government's total obligations; it would just bring some of them forward in time. If the accounts are part of a long-term deal to reduce the cost of Social Security—as in Bush's price-indexing plan—then temporary debt increases should not deter us. The markets are well aware that the future benefits from Social Security constitute a large off-budget liability for the government. An increase in on-budget debt, even a large one, will not frighten them if they have confidence in the long-term trajectory of the reform plan.

DECISIONS, DECISIONS

Republicans, and Bush especially, face a daunting series of questions as they figure out how to move forward on Social Security. How much should they let people invest in personal accounts? Should it vary by income, so that poorer people can invest a higher percentage of their wages? How tightly should the government regulate the investments? Should it require people to convert their accounts into annuities when they retire? Should Republicans take the political risk of cutting benefits through price indexing? How should they finance the transition? Should the White House devise a plan at all, or let one emerge from Senate horse-trading?

There are trade-offs attending each choice. Large accounts would give workers a reason to participate, but would also mean higher transition costs. Or take the question of annuities. Frank Keating, the head of the American Council of Life Insurers (many of which sell annuities), argues that people shouldn't be able to take their whole account when they retire and blow all the money in Vegas. If they bought annuities with the money, they would have a guarantee that they will have an income stream as long as they live. That way, they won't end up destitute—and clamoring for Washington to bail them out. Regulations to keep people from impoverishing themselves would help get a reform bill through Congress.

On the other hand, if the whole account has to be made into an annuity, then some of the appeal of personal accounts vanishes. Reformers would not be able to say that the accounts are a way of building wealth that can be handed down the generations. The reformers' argument that Social Security is an especially bad deal for blacks, who have shorter lifespans than whites and thus receive less in benefits, would also lose much of its force. These considerations point to a compromise: Account holders should be required to buy an annuity that keeps them out of poverty, but free to do whatever they want with any additional funds they have accumulated.

There is a political theory that can help guide reformers in making some of these choices—a theory that falls under the heading of "the new investor class." The theory holds, among other things, that participation in capital markets changes people's political attitudes and behavior. Perhaps more pertinently here, it holds that pro-investor policies tend to perfect themselves over time. So, for example, a limited tax break for retirement savings will generate a constituency that wants bigger tax breaks for saving for retirement as well as for health and educational expenses.

A relatively small personal-account option, for the same reason, will generate demands

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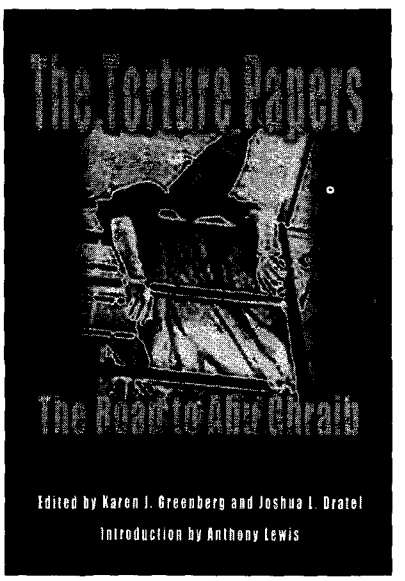

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for its expansion. Reformers need not be disappointed if they don't win large accounts this year. Holders of 401(k)s have over time gotten more and more options in how they invest their money. Regulations on personal accounts will probably get looser as well.

But the theory, by itself, is not a substitute for the political judgment required to make the major choices here. The theory is capable of telling conservatives that instituting personal accounts offers the prospect of reshaping American politics in their favor. The upside from the accounts is larger than from policies such as expanded IRAs, which would not do as much to increase the number of investors. But the political risks are greater, too, and the theory cannot tell you whether a specific historical moment is ripe for reform. If reform fails this year, Republicans may rue not having taken a more incremental route.

Congressional Republicans are of two minds about Social Security reform. They know that personal accounts have risen in popularity. They know, too, that Republicans—including Bush—have broached the subject of reform without losing elections in 2000, 2002, and 2004. We have come a long way from 1988, when Jack Kemp denounced Pete du Pont in the presidential primaries for daring to suggest "privatization." But Republicans are also nervous because they don't think there is a mandate for a large debt increase, however temporary, or for price indexing. Unfortunately for them, the leading proposal that avoids price indexing carries a much larger debt with it.

The Democrats have their own divisions. They haven't decided whether to come up with a plan of their own, or to put all their eggs in the there's-no-crisis basket. But what makes it hard to see Bush prevailing is that there isn't a Democrat on Capitol Hill who is afraid to oppose him on this issue. The twelve Senate Democrats who come from states that Bush won by more than 5 points have good reason to think twice before opposing one of his Supreme Court nominees. When it comes to Social Security, however, all the political pressures on them will be to resist reform. Yet Bush will probably need at least five Senate Democrats to beat a filibuster and enact a bill.

House Republicans are not going to vote for price indexing only to have a reform bill die in the Senate. Once a bill passes, they will be able to tell the voters that the sky hasn't fallen. If it doesn't pass, however, they will face ads saying that they "tried to cut Social Security"—and plenty of older voters will think that the Republicans were going after them, not future oldsters. So House Republicans want the Senate to go first. Many of them also want the president to offer a bill to serve as a template for Congressional legislation. Some Senate Republicans are happy to go before the House, but also want to go before the White House. They want to cobble together a bipartisan deal. If the Senate Republicans can recruit enough Democrats to their side, they will be in a strong position to dictate the terms of an eventual deal.

Whatever emerges from Congress, if anything does, will include provisions that conservatives do not like: perhaps an increase in the progressivity of the payroll tax, or something worse. But what Bush appears to have in mind—creating personal accounts and restraining the growth of Social Security—is the right policy. If he manages to get that policy enacted, it will not only be the signal domestic achievement of his presidency. It will be the biggest legislative victory in the modern history of conservatism. **NR**

■ **THE ENVIRONMENT**

Cooled Down

The global-warming hype is running out of (greenhouse?) gas, as it very much deserves

STEVEN F. HAYWARD

THE waves of the tsunami had hardly receded before environmental alarmists linked the tragedy to . . . *global warming*! One newspaper, the *Independent*, quoted a British environmental activist saying that "here again are yet more events in the real world that are consistent with climate-change predictions." On New Year's Eve, Sir David King, Britain's chief science adviser and top climate-change fanatic, told the BBC, "What is happening in the Indian Ocean underlines the importance of the Earth's system to our ability to live safely. And what we are talking about in terms of climate change is something that is really driven by our own use of fossil fuels." It was almost as if environmentalists were trying to vindicate Michael Crichton's scenario in *State of Fear*, where eco-terrorists attempt to start a tsunami in the Pacific to scare people about global warming.

Although a few environmental activists have attempted to back away from these ludicrous and embarrassing statements, the predictability with which climate change was linked to a geological event shows the difficulty of taking climate change seriously. Climate change is a legitimate issue, but between the shabby way environmentalists and the Left exploit it, and the faulty record of so many past predictions of the eco-apocalypse, deep skepticism remains the sensible default position.

For climate alarmists, climate change has become what logicians call a "non-falsifiable hypothesis." Every weather anomaly is said to be a sign of climate change. After the near-record January 1996 blizzard hit the northeastern U.S., *Newsweek* ran a cover story attributing the storm to climate change. A year later, when an unusually warm winter led to early snow melt and floods in the upper Midwest, Vice President Al Gore and others attributed it to climate change. And the three hurricanes that struck Florida in close succession last summer were a bonanza for the climate-change chorus, even though serious climate scientists readily admit that ascribing today's extreme weather events to global warming is scientifically insupportable. In fact, the intensity of hurricanes and cyclones has diminished slightly over the past 30 years.

Even the catastrophic scenarios painted by enthusiasts clash. In one extreme case, the Greenland ice sheet and much of the polar ice caps could melt, raising the global sea level by as much

Mr. Hayward is resident scholar at the American Enterprise Institute, and author of the annual *Index of Leading Environmental Indicators*.

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as 30 feet, inundating billions in coastal areas. (Keep in mind, though, that such a scenario would take decades to play out, unlike a tsunami.) But hold on: A variant of catastrophe theory holds that warming might cause the Greenland and polar ice sheets to *thicken* and bring on a new ice age—the scenario of the movie *The Day After Tomorrow*. Incidentally, the sea level would fall by several feet, creating new opportunities for beachfront development.

These competing scenarios have some theoretical plausibility, but the inability of the scientific community to assign a probability estimate to either a temperature increase or the effects of such an increase—regionally as well as globally—shows how limited our climate knowledge remains. Although computer climate models are being constantly refined and improved, their compound uncertainties and blind spots make it impossible to know the probability of *any* future outcome. For all their sophistication, the models have not even been able to "backcast"—i.e., match up greenhouse-gas emissions with the climate record—for the last 30 years.

THE (BLACK) ART OF PREDICTION

Precisely because the computer climate models are plodding along, unable to deliver the goods, environmentalists latch on to any event as proof that global warming is well under way, even if the evidence is thin or is contradicted by other evidence. Gregg Easterbrook's first rule of environmental doomsaying is that predictions should be dated far enough in the future so that no one will remember them when they fail to occur. Specificity was the error of Paul Ehrlich's prediction that millions would starve in the 1970s and Jimmy Carter's *Global 2000* report, many of whose specific predictions for the year 2000 were wrong by an order of magnitude. Catastrophic global warming over the next 100 to 200 years neatly solves this problem. It's the ultimate "for the children" issue.

But the hyping of every possible scare that comes down the road—such as melting glaciers, shearing polar ice sheets, flowers blooming earlier than usual, animals migrating north, hurricanes, European heat waves, northeastern U.S. cold snaps, and so on—is backfiring on environmentalists, and the issue is losing steam. The annual Gallup Poll on the environment last spring found declining public interest in global warming. "Last year at this time," the firm's Lydia Saad wrote, "Gallup reported that global warming was 'a bit of a yawn' to most Americans. Today, one might say the public is practically dozing . . . Global warming ranks near the bottom of the list of specific environmental issues for which Gallup measured public concern." Unable to persuade the public, environmentalists are increasingly looking for ways to file lawsuits to stop climate change.

What do we actually know? The earth's temperature has risen about 1 degree Celsius over the last 100 years. That's where the agreement ends and the arguments begin. It is not clear whether this increase has harmed anyone (in fact it may have had net benefits); the Inuits of the Arctic north complain they have been hurt, but they drive their snowmobiles and SUVs from their heated homes to the courthouse to file their lawsuits. Some of the increase may be man-made, but much of it may be a natural warming trend stemming from the "little ice age" between the 14th and 19th centuries. Some scientists believe the warming may have more to do with deforestation and other land-use trends than greenhouse gases. There is no consensus on this point.

Evidence that the last few decades were the warmest in the last 1,000 years has recently been discredited. The so-called "smoking gun" of man-made global warming was the famous "hockey stick" graph, which showed a flat temperature record taking a noticeable upward bend in the last generation. It has been demolished for statistical shoddiness. The "medieval warm period" before the "little ice age" may have been as warm as, or even warmer than, today.

The emergence from the "little ice age" explains why many glaciers are retreating. It is usually forgotten that this retreat began in the 19th century—before the buildup in greenhouse gases began in earnest. The phenomenon is not uniform; some glaciers are expanding. Glaciation seems more closely related to regional precipitation patterns than to global temperatures. Likewise, the recent reports on Arctic temperatures and the polar ice caps display disturbing biases and selective use of data. The Arctic is warmer

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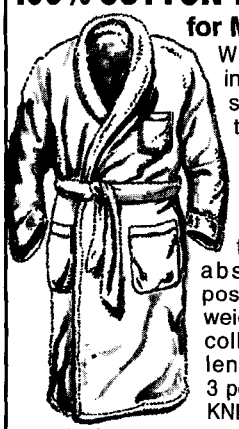

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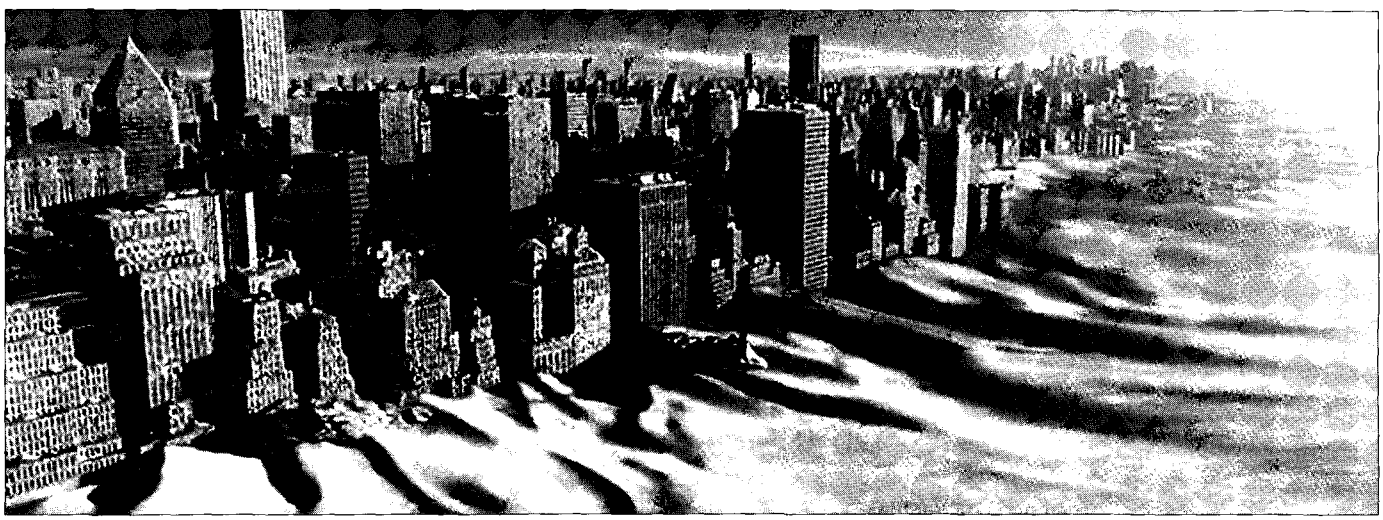
today than it was 30 years ago, but according to some records it is *colder* today than it was 70 years ago. If the recent studies had used 1930 instead of 1970 (an especially cold period) as the starting baseline, there would be no warming trend found. But also no headlines. So yes, there has been some melting of ice near both poles, but other evidence shows places where the ice is thickening. Most of the claims of sea-level rise are heavily disputed, too.

BEFORE SPENDING TRILLIONS . . .

In other words, we still don't know very much about many things that the media report as fact. The basic problem is that for all the heavy investment in climate research, climate science is still in its infancy, roughly in the same spot that genetics was in in 1950, when it was decades away from mapping the human genome. The basic theory of global warming is right, but there are huge gaps in our knowledge and we're a long way away from an understanding of climate adequate to base trillion-dollar economic decisions on.



A variant of catastrophe theory holds that global warming might bring on a new ice age—the scenario of the movie The Day After Tomorrow.

Don't expect much progress from the international effort to get to the bottom of the issue: the U.N.'s Intergovernmental Panel on Climate Change (IPCC), which is busy generating its fourth assessment report ("4th AR" in the jargon), due in 2007. The 4th AR aims to represent the latest "scientific consensus" about the sum total of the world's ongoing climate research—an immense project.

The problem with the IPCC process, however, is that the scientists and experts participating in each iteration have become increasingly biased toward climate alarmism. It is getting harder to separate the ideologically motivated alarmists from the honestly worried scientists. Past assessment reports, especially the 2nd AR in 1995, were badly politicized by U.N. bureaucrats, misrepresenting what the report actually contained. Skeptics qualified to participate have found the IPCC process too frustrating and have dropped out; for example, Richard Lindzen, a participant and chapter author in the 3rd AR, is not participating in this round. More and more, the IPCC is becoming an echo chamber for just one point of view, and is closing itself to outside criticism. Its members, in the fashion of environmental activists, have taken to demonizing their reasonable critics.

The case of David Henderson and Ian Castles is a good example. Henderson, the former chief economist of the Organization for Economic Co-operation and Development, and Castles, the former head of the Australian Statistical Bureau, noticed two years ago a serious methodological anomaly in the IPCC's 100-year greenhouse-gas emission forecasts that are the primary input to computer climate models. Henderson and Castles made a compelling argument that the forecasts were unrealistically high. Everyone recalls the first day of computer-science class: garbage in, garbage out. If future greenhouse-gas emissions are badly overestimated, then even a perfect computer model will spit out a false temperature prediction. Since Henderson and Castles's initial critique, the IPCC's forecasts have been subject to withering criticisms from dozens of other reputable economists, including a number of climate alarmists who, to their credit, argue that this crucial question should be gotten right.

The IPCC's reaction to Henderson and Castles was startling: It issued a vituperative press release blasting them for peddling "disinformation." Some scientists and economists connected with the IPCC have said publicly that the press release was a regrettable error. But it is typical of the increasingly arrogant IPCC leadership. The IPCC's chairman, Dr. Rajendra Pachauri, recently compared eco-skeptic Bjørn Lomborg to Hitler. "What is the difference between Lomborg's view of humanity and Hitler's?" Pachauri told a Danish newspaper. "If you were to accept Lomborg's way of thinking, then maybe what Hitler did was the right thing." It is hard to have much confidence in an organization whose chairman can say this and keep his job. Moreover, despite the cascade of criticism of the IPCC's emissions forecasts, the 4th AR is going to use the same set of emissions forecasts for its next round of climate models, thereby assuring a garbagey result. The IPCC says it would take too long to do a fresh set of forecasts. Pachauri waves off all criticism, saying the science is "settled." Richard Lindzen notes that the "consensus science" of eugenics was equally "settled" 100 years ago. The greens accuse climate skeptics of denying reality, but it is the greens who have their heads stuck in a dark place. **NR**

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■ LAW AND HEALTH

Asbestos Kills

And more than just people: jobs, ethics, and elementary justice

LESTER BRICKMAN & HARVEY D. SHAPIRO

It's become a familiar scenario across the U.S.: A jovial air pervades this parking lot adjacent to a union hall that belies the serious purpose that has brought together a group of middle-aged men. For much of the afternoon they've been sipping coffee and waiting their turn to enter the trailer parked at one end of the parking lot. The trailer contains X-ray equipment, and they're about to have their lungs checked for asbestos-related diseases. They're here in response to postcards saying things like, "You Might Have Million Dollar Lungs!"

They know they're entering a lottery, one in which a tiny few may find they have cancer but many more will find themselves perfectly healthy yet entitled to receive checks from 20 or 30 different companies totaling as much as $60,000—of course, that's *after* their lawyers have deducted their 40 percent cut.

For decades, scenes like this have been played out in the parking lots of hundreds of union halls, motels, and strip malls across America. For most Americans, asbestos litigation, like asbestos itself, is now a dimly remembered artifact of an earlier age. But despite 30 years of sweeping efforts to remove every trace of asbestos from American life, more than 100,000 new claims of asbestos-related diseases were filed in 2003—the most ever in a single year. While there was a sharp fall-off in nonmalignant claims filed in 2004, many experts anticipate that hundreds of thousands of additional claims will yet be brought, joining the 850,000 that have already come forward.

GONE BUT NOT FORGOTTEN

After years of asbestos-removal programs, prominent medical researchers Kevin Browne, Edward A. Gaensler, and Andrew Churg have called asbestosis a "disappearing disease," and a condition that is "exceedingly rare." So how is it that thousands and thousands of claims continue to be filed? This is a question the new Congress is likely to be asking, because of the increased power of Republican critics of trial lawyers. Asbestos could become the poster child for tort reform. As one leading medical expert on asbestos-related diseases, Dr. James Crapo, has said, claimants are being compensated "for illnesses that, according to the clear weight of medical evidence, either are not caused by asbestos or do not result in a significant impairment—i.e., are not generally regarded by the medical profession as an illness."

Yet asbestos lawyers continue their vigorous pursuit of potential claimants—not just through labor unions, but also through radio and TV ads and the Internet. So far, employers and their insurers have paid out over $70 billion—with more than half of that sum going to those who have either no injury or no proof that asbestos caused their injury. (That, of course, leaves far less to be paid to those who are truly suffering as a result of terrible asbestos-related injuries.) An additional $150 billion is likely to be required before the asbestos gods have been satiated. So far, some 8,400 companies have been sued; more than 70 have filed for bankruptcy; as a result of this financial drain, an estimated 500,000 jobs have been eliminated or not created.

For a millennium, asbestos was "the magic mineral" because of its resistance to heat. In World War II, it was declared a "strategic and critical material" because of its value as insulation. After 9/11, experts said the World Trade Center would have burned more slowly, perhaps permitting more people to survive, had its asbestos insulation not been removed. And the O-rings in the doomed *Challenger* spacecraft would not have failed had they continued to contain asbestos.

But exposure to asbestos can cause cancer or asbestosis, a scarring of lung tissue. Between 1960 and 2003, some 75,000 people died of mesothelioma (tumors of the lung), and another 35,000 are likely to succumb before 2050. Knowledge of the hazards of asbestos dates back a century, and documents from the 1930s and 1940s revealed that two leading asbestos manufacturers had conspired to conceal the serious health threat posed to their workers. During World War II, naval officials ignored the consequences to 4.5 million shipyard workers—a cover-up that reached the highest levels of government. In the 1960s, Dr. Irving Selikoff of the Mount Sinai School of Medicine published research showing alarming rates of lung cancer and asbestosis among insulation workers, and a series of *New Yorker* articles by Paul Brodeur in the early 1970s helped focus public attention on asbestos. As awareness of the dangers grew, there was a sweeping campaign to remove asbestos wherever it had been used. Meanwhile, the growing awareness of the risks—and the cover-up—led to a spate of lawsuits, beginning in 1973 when the Fifth Circuit Court of Appeals allowed workers injured by exposure to asbestos to file a product-liability suit (in which juries determine the size of the award) rather than a workers'-compensation case (in which claims are paid according to a formula).

Much of the initial litigation targeted the Johns Manville Corporation, which had long been the nation's principal miner and fabricator of materials containing asbestos. In 1982, after some 16,000 suits were filed, Manville declared bankruptcy. It emerged from bankruptcy in 1988 under an innovative plan in which almost $2 billion of cash and most of the company's stock were transferred to the Manville Personal Injury Trust, and all asbestos claims were to be directed to the Trust. Claimants who submitted only minimal proof of exposure to a Manville product and asserted that they had an asbestos-related medical condition were paid according to a schedule of benefits. This set off a feeding frenzy: The Manville Trust quickly became insolvent after

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distributing nearly $680 million, including approximately $266 million to plaintiffs' lawyers. After this second Manville bankruptcy, lawyers turned their attention to smaller asbestos producers and to construction firms that used asbestos products.

Several critical legal principles fanned the flames of litigation. The principle of joint and several liability meant that a worker could sue several dozen companies, and any one of them could end up being held responsible for 100 percent of the claim, no matter how minor its involvement. Another key principle involved insurance coverage. Asbestos-related diseases take years to manifest themselves, so which liability insurers should pay the claims? Should it be the insurers at the time when the worker was exposed? Or the insurers when the disease was found? Or the insurers in the intervening 15 to 40 years, when initial exposures were slowly injuring a worker's lungs? In 1988, a court held that *all three* sets of insurers would be liable.

Legislation created perverse incentives for lawyers to recruit more claimants—regardless of the merits of their claims—because that gave the lawyers more leverage over the bankruptcy process.

Originally, most asbestos litigation involved seriously injured claimants—those stricken with mesothelioma, asbestosis, or lung cancer. But since the Manville Trust and insurance companies were paying claims without demanding much in the way of proof, plaintiffs' lawyers began to seek compensation based on decidedly modest evidence of injuries and product exposure. For example, they obtained statements from doctors that an individual's lung conditions were "consistent with asbestosis"—even though anything from old age and obesity to smoking can account for the same lung condition.

READING THE B-READERS

The asbestos lawyers have created an entrepreneurial model to seek out potential claimants and send them to screening enterprises. The X-rays taken by the screeners are then sent for analysis to "B-readers," specialized radiologists retained by plaintiffs' lawyers. The comparative handful of B-readers regularly selected by plaintiffs' lawyers consistently diagnose 60 to 80 percent of those screened with mild asbestosis. But in a Johns Hopkins study, approximately 500 X-rays in which plaintiffs' lawyers' B-readers had found signs of asbestosis were reread by other radiologists who did *not* know who was hiring them. These B-readers found that, at most, 4.5 percent of the X-rays indicated lung conditions consistent with mild asbestosis. Only about 5 percent of potential B-readers are used by plaintiffs' lawyers, and they have earned substantial fees for their services.

They also seem to have made convenient shifts in their diagnoses. Until the mid-1990s, most asbestos claimants were diagnosed as having "pleural plaques," which are deposits of collagen fibers on the lining of the lungs. This typically produces no symptoms and does not increase the likelihood of contracting an asbestos-related disease, so many states do not allow suits based on pleural plaques. (In states that do allow such suits, however, juries have awarded damages as high as $1 million.) After a putative mega-settlement of asbestos issues proposed in 1993 placed no value on future pleural-plaques claims, the doctors hired by plaintiffs' lawyers almost immediately stopped diagnosing the newly screened as having pleural plaques; instead they found mild asbestosis.

In another very suggestive shift, on several occasions in which companies were entering bankruptcy, and their ability to pay claims dwindling, a number of witnesses suddenly recalled that the products they had handled were from companies that had *not* filed for bankruptcy. For example, in a deposition taken in October 1981, when Johns Manville was the premier target for plaintiffs' attorneys, one long-time New York Shipyard employee estimated that Johns Manville had supplied between 75 and 80 percent of the products containing asbestos. But when another witness was deposed in December 1982—several months after the Manville bankruptcy—that figure had shrunk to 25 percent and other companies were implicated instead.

"PRE-PACKED"—AND STACKED

Faced with this movable feast of claims, some 70 companies have followed Johns Manville into bankruptcy, with more to come. Many follow the Manville model and transfer assets to a trust which is to pay future claims. Thus, claimants need a viable company to emerge from bankruptcy and generate revenues for the trust. To help facilitate this, Congress in 1994 created statutory authority to channel all asbestos claims to these trusts, not to the companies. But one of the provisions of the legislation increased the proportion of tort claimants who had to agree before the "channeling" function of the trust could become effective. This created perverse incentives for lawyers to recruit more claimants—regardless of the merits of their claims—because that gave the lawyers more leverage over the bankruptcy process (not to mention additional legal fees).

Recently, companies facing insolvency because of asbestos claims have turned to "pre-packaged" bankruptcies in which attorneys for the asbestos claimants and the company agree on a plan of reorganization and then present it to the bankruptcy court for approval. In other settings, "pre-packs" can minimize litigation costs, expedite claims payments, and give the company a better chance of surviving. In an asbestos pre-pack, the company typically negotiates an agreement in which it settles a large number of pending asbestos cases for highly inflated values—to be paid by its insurance company—and in return, the plaintiffs' lawyers let the company retain a substantial portion of its assets when it emerges from bankruptcy.

Claimants whose lawyers are part of the pre-pack negotiations

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often receive highly favorable treatment in pre-packs. In December, the Third Circuit Court of Appeals turned down the proposed settlement in the Combustion Engineering bankruptcy, in which a pool of unimpaired claimants was supposed to get 95 cents out of every dollar they would have received in a pre-bankruptcy payment—while real cancer victims would get what was left: *about 20 cents* for every dollar of a pre-bankruptcy settlement. Moreover, the lawyer for the claimants was to get a $20 million fee from the company for putting together this deal. After lower courts approved this plan, 291 cancer victims appealed to the Third Circuit, which found that it did not meet the standards of fair treatment for all creditors required in a bankruptcy proceeding. Most judges, however, have been content to approve whatever is negotiated in a pre-pack.

There is little doubt that after 30 years of lawsuits, the biggest beneficiary of the asbestos mess has been the plaintiffs' bar—to the tune of $20 billion in fees so far, and counting. This has come at the expense of those who are seriously ill, as well as companies that had only a peripheral involvement in the asbestos industry. The process is also burdening the property and casualty insurance industry. The 205-year-old Providence Washington Insurance Co., once the third-oldest insurer in the U.S., succumbed to asbestos liability, as has the Kemper Insurance Co. No skin off your back? Insurers recoup their losses by raising their rates. Higher insurance costs will inevitably be reflected in higher product prices.

There have recently been some signs that the plaintiffs' bar has gone a step too far. The Ohio legislature passed a law limiting asbestos claims to persons who can demonstrate actual illness. Courts in Mississippi have demanded more rigorous proof of injury in asbestos cases. And the conflicts of interest of several advisers retained by one judge in several asbestos bankruptcies led the Third Circuit Court of Appeals to the highly unusual step of removing that judge from presiding over these bankruptcies. After resigning from the bench in response, that judge went to work for one of those advisers.

A CHANCE FOR FAIRNESS

Over the years, parties to the litigation have entered into periodic and always unsuccessful negotiations to settle the whole asbestos issue once and for all. Intermittent congressional efforts have been equally inconclusive. Last year, for example, the proposed Fairness in Asbestos Injury Resolution Act (FAIR) would have set up a $140 billion industry-funded trust fund to pay off all asbestos claims, including those of the non-sick, and put an end to further litigation. But trial lawyers and labor unions decided it wasn't enough and blocked the measure.

The November elections have not only brought additional advocates of tort reform to Congress; one key supporter of asbestos trial lawyers—Senate minority leader Tom Daschle—lost his Senate seat. After years of stasis in Washington, some believe the moment has arrived for congressional action. But given the political power of trial lawyers in Washington, many critics of the asbestos mess believe that other branches of government have a role to play in curbing this malignant enterprise. First of all, judges must be judges; they must put more emphasis on examining claims, making sure awards go to those who are truly injured—thus seeking fairness rather than simply seeking to clear their dockets.

In addition, law-enforcement agencies should be involved. There is abundant evidence that tens of thousands of claims may be based on bogus medical evidence. It is time for prosecutors to mount investigations of such issues as the practices of the screening enterprises, the B-readers who consistently misread X-rays, and the lawyers who prepare witnesses to testify falsely about their contact with asbestos products.

Until some branch of government takes action, the nation will continue to confront the perverse and expensive paradox of proliferating asbestos lawsuits amid a sharp decline in nonmalignant asbestos-related diseases. There are still some 5,000 people per year who will become seriously ill from asbestos exposure, and most of them will die as a result. They deserve substantial compensation. But just as asbestos has been removed from buildings around the country, the bulk of asbestos litigation should be removed from the legal system. The litigation spawned by a carcinogenic substance has itself become a malignant enterprise. **NR**

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the long view

ROB LONG

Transcript: Larry King Live, January 25th, 2005

LARRY KING: "The whole hour tonight on the tsunami! The after-effects! The relief effort! We'll be talking to experts, and former presidents Bill Clinton and George Bush the Elder! And your calls! It's a serious subject, folks! From Beaufort, South Carolina, you're on with Paris Hilton and Nicole Richie! Hello!"

CALLER: "Hi, Larry, Happy New Year, ladies."

PARIS HILTON: "Thanks, really."

NICOLE RICHIE: "Happy what?"

LARRY KING: "Do you have a question about the tsunami for Paris Hilton and Nicole Richie, caller?"

CALLER: "Um, yeah, I was wondering about the physics of the tsunami. If it's caused by an earthquake and it's essentially an energy wave that ripples out from the epicenter, what makes it gain velocity as it travels? Shouldn't its power be diminished?"

LARRY KING: "Good question. Gals?"

PARIS HILTON: "Hi, Larry. You have pretty hair."

CALLER: "I'm sorry, Larry, I didn't get that."

NICOLE RICHIE: "Apparently, there's like, a lot of poop in the water now over there?"

PARIS HILTON: "Gross! Nicole!"

NICOLE RICHIE: "I heard it from some guy on that show? It's like, science?"

LARRY KING: "Let me ask you gals something. Can celebrities help in a situation like this? Is there some way for, say, a Paris Hilton or a Nicole Richie or a Joan van Ark to use their fame and glitz to do something for the people over there who are suffering?"

PARIS HILTON: "Well, probably. My publicist is trying to figure that out right now."

LARRY KING: "Either one of you heading over there?"

NICOLE RICHIE: "Um, hello? I refer you to my previous statement about the poop?"

LARRY KING: "From Colby, Kansas, you're on with Paris Hilton and Nicole Richie! Hello!"

CALLER: "Hi, Larry. My question is, if Nicole and Paris are going to use their unique talents to help the victims of this terrible tragedy?"

PARIS HILTON: "Yes. Yes. Definitely."

LARRY KING: "Help me out here, gals. What, exactly, are those unique talents?"

PARIS HILTON: "What?"

LARRY KING: "What do you guys do?"

NICOLE RICHIE: "Um, hello? We appear on TV?"

LARRY KING: "Former president George Bush the Elder is on the line! Tomorrow! The whole hour with the cast of 'The Facts of Life'! From Elyria, Ohio, you're on with former president George Bush the Elder! By the way, Mr. Prez, do you like that? The 'elder' business?"

GEORGE H. W. BUSH: "Well, Larry, it's sort of silly."

LARRY KING: "Silly but true. You are the elder."

GEORGE H. W. BUSH: "Yes, but . . . forget it. What's the question?"

LARRY KING: "Caller?"

CALLER: "I was wondering what he and President Clinton talked about on the way over."

LARRY KING: "Good question, caller. Some sniping? Back-and-forth stuff? Anything?"

GEORGE H. W. BUSH: "Good Lord, Larry, no, of course not."

LARRY KING: "Did you eat together? Mixed nuts? Enjoy a movie? Two former presidents together on a plane. Sounds interesting."

GEORGE H. W. BUSH: "Well, it's a long flight to Bangkok, Larry, so naturally we both needed to sleep."

LARRY KING: "Who slept?"

GEORGE H. W. BUSH: "I think President Clinton probably did the most napping."

LARRY KING: "Is he on the line now?"

GEORGE H. W. BUSH: "No, he's . . . I actually don't know where he is right at this moment. He was met at the plane by some, I think, friends of his, and they went off to tour some of the areas in Bangkok . . ."

LARRY KING: "The tsunami hit Bangkok?"

GEORGE H. W. BUSH: "No, no. I think he went on a tour of some other areas of Bangkok."

LARRY KING: "Areas affected by the tsunami?"

GEORGE H. W. BUSH: "Not per se. Different areas of Bangkok."

LARRY KING: "Refugee areas of Bangkok?"

GEORGE H. W. BUSH: "No, Larry. Other areas of Bangkok. Other, popular, areas of Bangkok, Larry. Bangkok."

LARRY KING: "Relief-effort staging areas, maybe?"

GEORGE H. W. BUSH: "If memory serves, I think there's a stage involved."

LARRY KING: "Later this week, we'll catch up with the Arnaz kids! Caller, you're on the air with an expert from the Center for the Study of International Co-operation here in Washington. What's your question?"

CALLER: "Hi, I was wondering how, exactly, the aid money is distributed? And if part of that money is going to be used for long-term development and construction for the regions involved?"

LARRY KING: "Good question. So? Another tsunami hits next month? Are we in the same boat? As it were?"

EXPERT: "Well, Larry, the important thing here is to keep in mind that these areas have already suffered, in some way, an economic tsunami, due to the Bush administration's trade and environmental policies, and in many ways, we here in this country have suffered a tsunami in civil liberties, with the passage of the Patriot Act and the reign of John Ashcroft at the Department of Justice. Not to mention what I call the tsunami of disenfranchisement we saw during the most recent presidential quote election unquote, so when we talk about tsunamis and their effect it's really crucial to distinguish which tsunami we're talking about, and where."

LARRY KING: "Next week! Remembering Herve Villechaize!"

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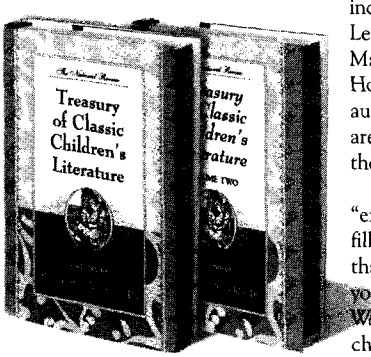

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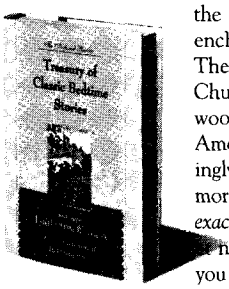

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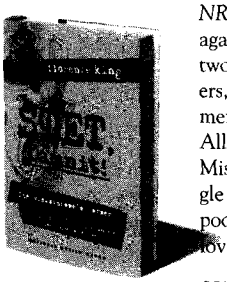

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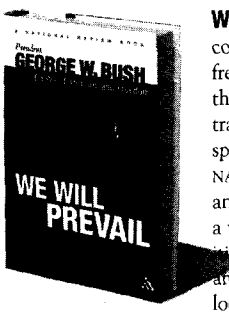

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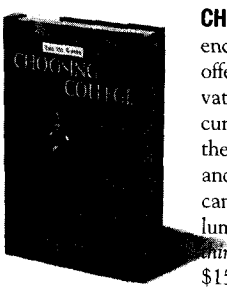

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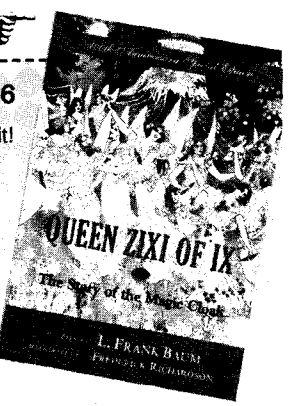

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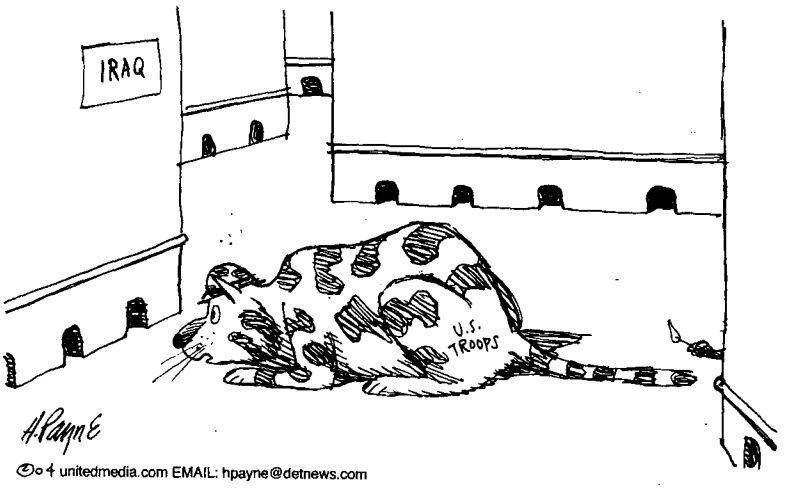
HELP

Putin's Russia

Shades of the prison-house descend;
The governors are his,
The Duma, neutered, signs off as
He masticates Big Biz.
The media's his pussycat,
And though he took a bath
Reprising Borgia tactics, Vlad's
Spot-on that Commie path.

—W. H. von Dreele



"I'M STRETCHED TOO THIN."

"Hey, all our bank-robbery loot has consecutive serial numbers—what are the odds against that?"

"NOW, MR. GONZALES, LET'S TALK ABOUT THE ETHICS OF WATER TORTURE..."

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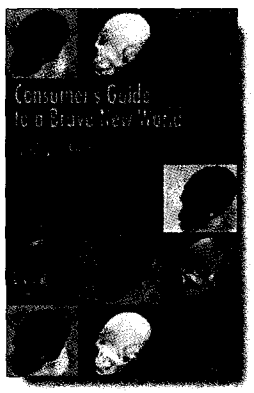
The Misanthropes



Consumer's Guide to a Brave New World,
by Wesley J. Smith
(Encounter, 219 pp., $25.95)

HADLEY ARKES

Leo Strauss found it telling that Machiavelli mentioned only one other figure who served as the teacher of princes, the office that Machiavelli was claiming for himself. And that was Chiron the centaur, who was aptly constituted to be a tutor of princes because he was half man, half beast. It was Machiavelli's instruction, of course, that the one who would rule men, and learn the artful uses of cruelty, would have to detach himself from the inhibitions that exist in moral beings. Strauss observed that anyone who would seek in this way to transcend or evade nature would have to move either to the subhuman or the superhuman. Machiavelli would not move to the level of the divine; he would move to the animal, and suggest that princes take instruction from the lion and the fox.

That lesson finds an unsettling resonance in Wesley Smith's new book, in which he gives us an overview of the arguments over cloning and stem-cell research. This research has yielded some dramatic results, nearing the edge of cures and therapies—but it has also brought us to the edge of the human, to an interest in remodeling human nature. No one has been more vigilant than Wesley Smith in charting these trends; and no one has spoken more searing truths about the genteel thuggery that presents itself in some quarters as "bioethics." The prospect of a radical improvement in the human condition has triggered a passion quite ancient: to transcend the limits of human nature altogether. Serious people, with credentials in science, speak earnestly of a "post-human" or "trans-human" condition. Lee Silver, a professor of biology at Princeton, has waxed lyrical about a new era with beings who can "trace their ancestry back directly to homo sapiens" but who are as "different from humans as humans are from the primitive worms with tiny brains that first crawled along the earth's surface." But these fantasies over the new simply bring back ancient fallacies, including "scientism": the notion that science is a law unto itself, that the search for scientific truth is a good that must not be constrained by anything atavistic and moral.

No one has spoken more searing truths than Wesley Smith about the genteel thuggery of some 'bioethics.'

And so a 2003 editorial in *Nature Biotechnology* expressed irritation over the prospect of legal restraints on research: "Legislation clarifying the scope of patents on higher forms of life should steer clear of moral and ethical definitions. We need to stick to rational and scientific benchmarks." In this worldview, morality is assigned to the domain of religion. It is taken for granted that science is the domain of reason, and that reason has nothing to disclose about the grounds of moral judgments. Of course, it escaped the notice of the writer that he was offering reasons to support a moral judgment in behalf of a research unconstrained by moral judgments. But this may be the least of what typically escapes the deep thinkers who have argued for the emancipation of stem-cell research from moral constraints.

The people who can conceive the remaking of human beings imply a vantage point from which they can view human beings with a wholesome detachment. After all, those who would remake human beings inevitably put themselves in the position of the remakers, not the remade. One way or another, with terms novel and subtle, they find another way of talking themselves out of the "proposition" that "all men are created equal." Nowhere else outside the movements for eugenics and scientific racism are we likely to encounter convictions as emphatic on the disparities in human beings—on the need, not only to remove infirmities or diseases, but to remove people slow of wit, whose incompetence may drain and even threaten the rest of us. The prospect of bringing about a species far more sparkling in native wit merely brings out more sharply the contrast with the dim and the retarded. The prospect of "designer babies" promises to make us even less tolerant of the children who bear those shortcomings we had not foreseen and hadn't the wit ourselves to correct. As Wesley Smith observes, there is, among these zealots for the human future, a "futuristic misanthropy": They begin with a dark view of the human condition, and seek a remedy in powers quite out of scale, applied with a ruthlessness that is less than humane.

It's well known that people afflicted with Down syndrome may exceed others in their devotion, affection, reliability—and that they may show, at times, better moral reflexes than people with advanced degrees. Most ordinary folk, without those degrees, would never think that people with Down syndrome, or people slower of mind, have lives "not worth living" and deserve to die. And yet, that is the kind of maxim that is readily absorbed without flinching, without apology, by some of the partisans for the new project in biology. Their education has apparently not equipped them

Mr. Arkes is a professor of jurisprudence at Amherst College. His most recent book is *Natural Rights & the Right to Choose*.

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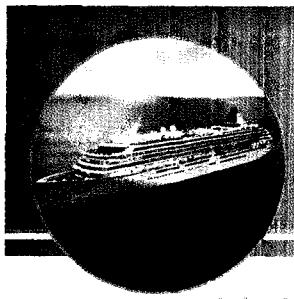

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visiting LONDON/DOVER, WATERFORD, DUBLIN, BELFAST, LIVERPOOL, EDINBURGH/LEITH, GUERNSEY **and** ST. PETER PORT

Join us on the **National Review 2005 British Isles Cruise**, an exceptional luxury voyage helping mark the 50th anniversary of your favorite conservative magazine. Featuring top conservative celebrities, and a truly spectacular itinerary—London/Dover, Waterford, Dublin, Belfast, Liverpool, Leith/Edinburgh, and St. Peter Port (on the Isle of Guernsey)—this special trip will take place July 10–21, 2005, aboard Crystal Cruises' stunning 5-star *Crystal Symphony*.

If ever there was a once-in-a-lifetime opportunity, this is it! Alongside *NR* founder **William F. Buckley Jr.** for eleven days of conservative revelry and superior cruising will be **Lawrence Kudlow**, the happy supply-side warrior and star of CNBC's *Kudlow & Cramer*; **Robert Bork**, the acclaimed jurist and legal scholar; **Peggy Noonan**, author, essayist, and commentator supreme; **Paul Johnson**, the renowned historian (his *Modern Times* remains a classic); **David Pryce-Jones**, *NR* Senior Editor and renowned Middle East expert (his essential books include *The Closed Circle: An Interpretation of the Arabs*), as well as *National Review* Editor **Rich Lowry**, Washington Editor **Kate O'Beirne**, Managing Editor **Jay Nordlinger**, and Editor-at-Large **John O'Sullivan** (now at the helm of the very influential quarterly *The National Interest*).

The **National Review 2005 British Isles Cruise** launches July 10 from Dover, home of the famous White Cliffs. There you will board the luxurious *Crystal Symphony* and depart for ten full days of unrivaled cruising, visiting the most famous and must-visit ports in Europe.

Ahead lie the beautiful Irish ports of **Waterford**, **Dublin**, and **Belfast**, historic **Liverpool** in England, enchanting **Edinburgh** in Scotland—where, as our gift, you will enjoy a free and delightful Highlights of Edinburgh tour (including a sumptuous lunch at a traditional Scottish restaurant)—and charming **St. Peter Port** on the Channel Isle of Guernsey. The top reason the "typical" *NR* cruiser sails with us (again and again!) is to attend the seminar sessions featuring our guest speakers and editorial all-stars. On the **National Review 2005 British Isles Cruise**, six scintillating panel sessions are planned: We'll discuss current events, the War on Terror, U.S.-European relations, inside-the-Beltway politics, and so much more. On deck for these lively affairs (where there's always plenty of time for Q & A) are a tremendous cast of knowledgeable, authoritative, and, yes, very entertaining conservatives:

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- Esteemed historian **Paul Johnson** brings an unmatched analysis of current events—he sees them in the sweep of centuries and millenia.
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- And then there is **Bill Buckley** the founder of *NR* and modern conservatism. Spending eleven glorious days visiting the British Isles with him and *NR*'s editors—**Kate O'Beirne**, **Rich Lowry**, **Jay Nordlinger**, and

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DAY/DATE	PORT	ARRIVE	DEPART	SPECIAL EVENT
SUN/July 10	Dover (from London)		6:00 PM	
MON/July 11	AT SEA			morning & afternoon seminars evening cocktail reception
TUES/July 12	Waterford	8:00AM	6:00PM	
WED/July 13	Dublin	8:00AM	6:00PM	late-night H. Upmann smoker
THURS/July 14	Liverpool	7:00AM	8:00PM	evening cocktail reception
FRI/July 15	Belfast	8:00AM	10:00PM	
SAT/July 16	AT SEA			morning & afternoon seminars evening cocktail reception
SUN/July 17	Edinburgh	8:00AM		overnight
MON/July 18	Edinburgh		6:00PM	
TUES/July 19	AT SEA			morning & afternoon seminars late-night H. Upmann smoker
WED/July 20	St. Peter Port	8:00AM	5:00PM	evening cocktail reception
THURS/July 21	Dover	7:00AM		

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And then there is the ship, the *Crystal Symphony*—with so many amenities, so much luxury, so many programs and ways to have the best eleven days of your life! That's exactly what you'd expect of Crystal: For the ninth year running it has been voted the "World's Best Large-Ship Cruise Line" by the authoritative readers of *Condé Nast Traveler* and *Travel + Leisure* magazines.

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You must be there and join us as we celebrate *NR*'s 50th anniversary year—with **William F. Buckley Jr., Robert Bork, Peggy Noonan, Larry Kudlow, Paul Johnson, Kate O'Beirne, David Pryce-Jones, Rich Lowry, Jay Nordlinger,** and **John O'Sullivan** (and we're still awaiting RSVPs from other top celebrities)—traveling to Ireland, Scotland, and some of the most desired spots on the historic British Isles.

Sign up today: Use the application form on the next page to reserve the (beautiful!) stateroom of your choice, or visit us at **www.nrcruise.com** to get more information and to make that reservation immediate.

See you next July on the **National Review 2005 British Isles Cruise**!

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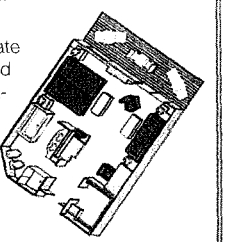

PENTHOUSE SUITE Grand stateroom (491 square feet) features large private verandah and spacious living area, personal butler service, remote color TV and VCR, two twin beds convertible to a queen-size bed, full Jacuzzi bathtub, separate shower, bidet, walk-in closet, refrigerator, complimentary wine plus choice of liquor from set menu upon embarkation, complimentary soft drink, beer, and bottled water in cabin. Penthouse Deck.

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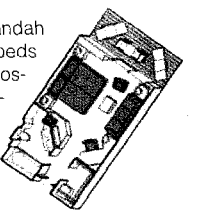

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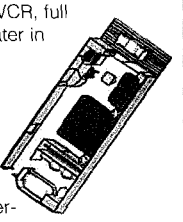

VERANDAH STATEROOM Large cabin (246 square feet) features private verandah, seating area, two twin beds convertible to a queen-size bed, remote color TV and VCR, full bathtub/shower combination, refrigerator, complimentary soft drinks and bottled water in cabin. Horizon Deck.

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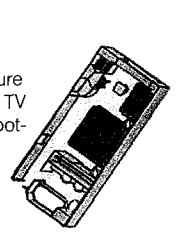

DELUXE STATEROOM Comfortable cabin (202 square feet) features large picture window with sweeping views, seating area, two twin beds convertible to a queen-size bed, remote color TV and VCR, full bathtub/shower combination, refrigerator, complimentary soft drinks and bottled water in cabin. Promenade Deck.

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Please fill out application completely and mail with deposit check or fax with credit-card information. One application per cabin. If you want more than one cabin, make copies of this application. For questions call The Cruise Authority at 800-707-1634.

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Name #1 Citizenship | Passport Number | Expiration Date

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Name #2 Citizenship | Passport Number | Expiration Date

Name #3 (full legal name) + informal name | Birthdate | Shirt Size (S-XXL)

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A deposit of $2,000 **per cabin** is due with this application. If paid by credit card, balance will be charged to *same* card on 4/8/05 unless otherwise directed. If application is received after 8/14/04, the full amount of cruise will be charged. Cabins and categories are available on a first come, first served basis. *Suites are limited!*

☐ $2,000 **per cabin** deposit is included (checks payable to "National Review Cruise")

☐ Charge to: AmEx ☐ Visa ☐ MasterCard ☐ Discover

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Authorized Signature of Cardholder/Guest

Information and price quote on Cancellation Fee Waiver/Medical Insurance will accompany your statement. Cancellation Penalty Schedule follows (cancellations must be received in writing by the date indicated):

PRIOR to February 8, 2005 you will be charged $75 per person. FROM February 8–April 8, you will be charged $500 per person. AFTER April 8 the penalty is100% of cruise/package.

Cruise

(All rates are per person, double occupancy, and include all port charges and taxes, all gratuities, meals, entertainment, and *National Review* activities. Cruise-only rates include all of above except airfare and transfers. Failure to appear for embarkation for any reason constitutes a cancellation subject to full penalties. Personal items not included.) **PLEASE CHECK ALL APPLICABLE BOXES!**

I. CABIN CATEGORY *(see list and prices on previous page)*

First cabin category choice:_____ Second cabin category choice:_____

Bedding: Beds made up as ☐ Twin ☐ Queen

BOOKING SINGLE? ☐ Please try to match me with a roommate. (My age: ____)

If we cannot arrange a roommate or if a roommate cancels, single rates will apply.

II. ARE YOU A CRYSTAL PAST GUEST/CRYSTAL SOCIETY MEMBER?

☐ Yes, Crystal Society # _____

II. AIR/TRANSFER PACKAGES

☐ We will provide our own roundtrip air and transfers to and from London/Dover.

☐ Include air with our package from _____ (see list below).

Class of Service: ☐ Coach ☐ Business Class

☐ We need to purchase transfers from the airport/train to the ship at $75 per person.

III. GENERAL INFORMATION

DINING: I wish to dine with _____

Frequency: ☐ Every Night ☐ 3-4 nights ☐ Just once

Please note that there is no smoking permitted in the Crystal Symphony *dining room.*

DINNER: ☐ 8:00PM ☐ 6:00PM (this conflicts with dining with speakers/events)

SPECIAL EVENTS/MEDICAL ISSUES: Are there any special events or medical situations we should know about? _____

Important!

Everyone cruising will be required to bring either a valid passport. Failure to do so may result in being denied boarding of your flight and the *Crystal Symphony.*

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AIR TRAVEL TO/FROM LONDON: Crystal Cruise's "Fly Cruise" Program lets you simplify your air travel arrangements, offering convenient and affordable round-trip Coach and Business-Class air transportation (First Class air is available on request; you cannot use frequent flyer points to upgrade these airfares to First Class)—including all baggage and transfers to/from the *Crystal Symphony*—from the following home "gateway" cities (rates are per-person):

City	Coach	Business
Albany, NY	1409	3649
Albuquerque, NM	1199	4199
Amarillo,TX	1179	3979
Anchorage, AK	1299	4499
Atlanta, GA	1089	3689
Austin, TX	1109	3909
Baltimore, MD	999	3599
Billings, MT	1119	4119
Birmingham, AL	1049	3849
Boise, ID	1119	4119
Boston, MA	929	3529
Bozeman, MT	1119	4119
Buffalo, NY	1029	3629
Charleston, SC	1029	3629
Charlotte, NC	1029	3629
Chicago, IL	1059	3859
Cincinnati, OH	989	3789
Cleveland. OH	1029	3829
Col. Springs, CO	1119	3999
Columbus, OH	1029	3829
Dallas-Ft. Worth, TX	1059	3859
Denver, CO	1149	3949
Des Moines, IA	1049	3849
Detroit, MI	1109	3909
El Paso, TX	1099	3899
Fresno, CA	1109	4109
Ft. Lauderdale, FL	999	3599
Ft. Myers, FL	1049	3649
Greensboro, NC	1099	3699
Greenville-Spar., SC	1099	3699
Hartford, CT	1049	3649
Honolulu, HI	1449	4649
Houston, TX	1059	3859
Huntsville, AL	1059	3859
Indianapolis, IN	1079	3879
Jackson, MS	1199	3999
Jacksonville, FL	1059	3659
Kansas City, MO	1049	3849
Knoxville, TN	1029	3829
Las Vegas, NV	1049	4049
Little Rock, AR	1149	3949
Los Angeles, CA	1049	4049
Louisville, KY	1029	3829
Lubbock, TX	1179	3979
McAllen, TX	1189	3989
Memphis, TN	1099	3899
Miami, FL	1029	3629
Midland/Odessa, TX	1189	3989
Milwaukee, WI	1099	3899
Minn./St. Paul, MN	1039	3839
Mobile, AL	1119	3919
Nashville, TN	1099	3899
New Orleans, LA	999	3799
New York, NY (JFK)	879	3479
Newark, NJ	879	3479
Norfolk, VA	1029	3629
Oklahoma City, OK	1099	3899
Omaha, NE	1099	3899
Orlando, FL	1049	3649
Pensacola, FL	1159	3759
Philadelphia, PA	979	3579
Phoenix, AZ	1139	4139
Pittsburgh, PA	979	3579
Portland, OR	1039	4039
Raleigh/Durham, NC	1029	3629
Reno, NV	1099	4099
Richmond, VA	999	3599
Rochester, NY	1049	3649
Sacramento, CA	1149	4149
Salt Lake City, UT	1029	4029
San Antonio, TX	1149	3949
San Diego, CA	1029	4029
San Francisco, CA	1099	4099
Savannah, GA	1029	3629
Seattle/Tacoma, WA	1139	4139
Shreveport, LA	1139	3939
Spokane, WA	1099	4099
St. Louis, MO	999	3799
Syracuse, NY	1049	3649
Tampa, FL	1049	3649
Tucson, AZ	1109	4109
Tulsa, OK	1099	3899
Wash. DC (Dulles)	1039	3639
W. Palm Beach, FL	1029	3629
Wichita, KS	1159	3959
CANADA ($USD)		
Edmonton	1099	4099
Montreal	919	3519
Vancouver	1099	4099
Winninpeg	1099	4099
Calgary	1099	4099
Toronto	979	3579

IMPORTANT NOTES: 1. These air add-ons apply to the cruise or cruise + pre- or post-cruise package. All transfers for air/sea passengers are included. **2.** All U.S. and Canadian flights will depart on July 9, 2005 for an overnight flight. **3.** Business Class air applies only to the trans-Atlantic leg of the trip. Domestic legs will be coach class. **4.** Should you elect to provide your own air transportation, note that the transfer from the London area airports (Gatwick or Heathrow) or Victoria Station to the *Crystal Symphony* (Dover, England) are not included, but are available for purchase at $75 pp. Note that it is approximately a 2.5 hour transfer from the airports or Victoria Station to the *Crystal Symphony* in Dover. Return flights from London should not be arranged before 2:00PM on July 21, 2005. Retrun flights from the ship to airports or hotel may be purchased on board at $75 pp. **5.** Should you purchase the air from Crystal Cruise as described above, and wish to deviate from the air schedule desingated by Crystal Cruises, there is no charge for changes made prior to April 8, 2005. After that date, a *non-refundable charge* of $50 pp will be incurred for this service. All requests for air deviations must be made in writing to The Cruise Authority. **6.** Every effort will be made to assign the best seating possible, however any special seat assignments or other requests must be made directly with the participating air carrier. You will receive your air schedule approximately 30 days prior to departure.

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to notice that they have backed themselves into the most ancient of fallacies: that people who are smarter and stronger deserve to rule people who are weaker and less smart; that the strong prove, by their very dominance, their fitness to rule; and that this power is the source of its own justification. In their passion to transcend the human, the partisans of the new biology have merged the pretensions of the superhuman with the moral outlook of the subhuman. As Churchill remarked on the Bolsheviks, they are crocodiles with master minds.

With a chilling accuracy, Wesley Smith charts this trajectory of the intellectual classes as they back themselves into a new regime of the rule of the strong. He charts, that is, a corruption of judgment that begins to seep over to affect even their honesty in giving an account of the science to which they would recruit the public. Without being wholly tutored in embryology, most people seem to grasp the point that embryonic stem cells can be extracted only from an embryo. Many have also been dimly taught somewhere that an embryo is already the separate, distinct human being that will become more recognizable later as a "baby." Hence the aversion of the public to schemes for destroying embryos, or human beings, as a means of rendering services to others.

In order to break down this "prejudice" of the public, advocates find themselves denying, in their public statements, what they know as scholars. And so, in defense of research on embryonic stem cells, the editors of *The Lancet*, the British medical journal, insisted in 2004 that "no one made an embryo as most people understand the term, derived from the fusion of an oocyte and a sperm." But that is precisely what takes place in order to reach the blastocyst stage of an embryo, when stem cells can be extracted. And "as most people understand the term"? We find here the strange inclination of scientists to appeal, not to embryology, but to a sense of what most people would *recognize* as a human being. In that vein, Lee Silver insists that "the embryo does not have any neurological attributes that we ascribe to human life in a special sense." But it may be years before a human child finds in place all of the neurological attributes of his mature being—and yet his human standing has not been in question. A set of cells does not engage in conversation, but the capacity to engage in that conversation is already contained in that zygotal dot. The embryo is a self-animating being, coordinating all of its cells, and directing its own growth. As Smith puts it, "every one of your body's cells is a microscopic piece of your body, but each cell is not *you*. When you were an embryo, however, that embryo was you."

One of the most striking aspects of the stem-cell controversy is that the public, drawing on a natural moral sense, understands the main lines of the problem in the way that the scientific apologists apparently do not. Given a choice between a therapy that is lethal for human beings and one that is not lethal, the public prefers the therapy that is not lethal. May we carry out experiments that are dangerous to human subjects without seeking their consent? The public recoils from the notion. If Nazi researchers wished to know how long pilots could withstand an immersion in the cold waters of the Atlantic, they could find out directly by dunking the Jewish prisoners who were available to them. As the saying went, those prisoners were "going to die anyway." When that kind of procedure is rejected, both by the public and by scientists, we quite emphatically affirm—contrary to the editors of *Nature Biotechnology*—that there are indeed serious moral constraints on the way science is free to seek what science passionately craves to know. The only dangling question is whether those embryos, who will "die anyway," are real human beings. The textbooks on embryology tell us that they are. Indeed those embryos cannot be anything other than human offspring, from their first moments, and nowhere, in the chain of development, do they undergo a change of species.

We may ask, then, Why the passion for this research on embryos? It cannot be explained by a cold utilitarian reckoning; the prospects are too speculative. In fact, as Smith argues, the massive political campaign in favor of using embryonic stem cells threatens to divert resources that could be devoted here and now, with a vast yield, to the use of adult stem cells. Smith credits the interest in making money; and yet private investment has been reluctant. As Smith explores the range of motives, he is shy to reach for political conclusions. But in that delicacy he seems to steer around the clearest explanation, standing in plain sight. It's the A-word: abortion. For many people, the right to abortion has taken the place of freedom of speech and religion as the first freedom. The right to abortion, to "choice," has become the anchor for a personal freedom, or, more precisely, a sexual freedom, that rises above the rest of the Constitution. When the freedom of speech of pro-life demonstrators creates tensions for the women entering abortion clinics, the freedom of speech is trumped by the interest in securing to women a right to abortion, unencumbered by reproaches. The same convictions fuel the passion to strip away any lingering concern for the embryo, as for the unborn child. The argument over stem-cell research offers the opportunity to affirm yet again that the nascent life is not one that commands our respect.

The resistance to research can be laid to the religious, fueled by superstition, rather than reason and science. But to contrive that kind of story, the Left must detach itself from both reason and science. That inversion has now become a political way of life, and Wesley Smith describes with precision this descent of the Left. Moving along this path, telling fables as it goes, the Left is indeed backing itself into that brave new world it is destined to abhor, but cannot find the reasons any longer to resist. **NR**

PHOTOGRAPH

It will not change, no matter what you will—
That earliest version, hanging on my wall.
Caught in the act of innocence, it knows
None of the dark inventions you propose.
Of all your thousand new-found faces none
So bright as this—not one that can outface
This portrait of you then, this constant child,
This stranger to deception and disgrace.

—COMAN LEAVENWORTH

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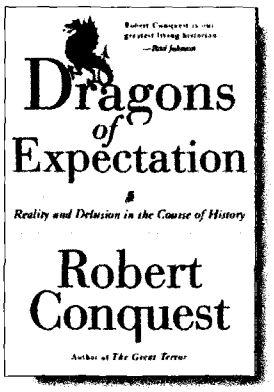
The Prophet



Dragons of Expectation: Reality and Delusion in the Course of History, by Robert Conquest (Norton, 272 pp., $24.95)

ARTHUR HERMAN

All the essays in this volume have memorable lines, but one in particular leaps off the page: "There are other problems than war and terrorism." It would be easy to dismiss this as a forgivable pre-9/11 mindset, coming as it does from one of the 20th century's most distinguished historians. After all, Robert Conquest's life has been bound up with the Soviet Union and the Cold War, which seem epochs away from a world illuminated by the burning towers of the World Trade Center.

But look closer, and Conquest has a point. One day, perhaps sooner than we think, Osama bin Laden will be dead and his al-Qaeda followers, after their brief moment of glory, will pass into historical irrelevance. One day, all of us will be back to the tougher and deeper issues, while a whole new region of the planet, the Middle East, will face the challenge Europe and America faced in the 19th century, and Asia in the 20th: how best to live in the modern age, and how to construct a society according to a progressive Western model.

But which model? That is the central issue that holds together these essays like the keystone of an arch. For as Conquest points out, the West has not only given the world free markets, individual liberty, and democracy under law. It also gave it socialism and socialism's monstrous twin offspring, Communism and Nazism, and the delusion that the all-powerful state could make human beings live together in harmony. Today, these totalitarian programs are dead and discredited; but the ideas, impulses, and even some of the institutions that spawned them are still alive and kicking. They even underpin the gospel of bin Laden.

Who better to sound the warning than Robert Conquest? He was born the year of the Russian Revolution, and raised in England and France by an American father. He joined the Communist party in the Thirties at Oxford. But after seeing Stalin's vicious handiwork in postwar Bulgaria, Conquest turned against the party and became the world's leading chronicler of the horrors of Stalinism in two classic works: *The Great Terror* (1968), which dealt with Stalin's murderous rule in the mid-Thirties, and *The Harvest of Sorrow* (1986), which revealed how the collectivization of Soviet agriculture led directly to the Great Ukrainian Famine, and the deaths of at least 6 million people—the very people in whose name collectivization was carried out.

I can still remember the sense of hysterical outrage *The Great Terror* provoked among my leftist college mentors, who dismissed its portrait of the nightmare world of gulags, show trials, and midnight executions as the delusions of a right-wing reactionary. Conquest replied by coining Conquest's Law: "Everyone is a reactionary about subjects he understands." He knew then what everyone knows now, that it was they, not he, who had deluded themselves about the nature of Communism, and who let or even encouraged another generation to repeat the same atrocities under Mao and Pol Pot.

This is the other theme that echoes throughout this collection: how an arrogant intelligentsia can set off a kind of destructive mania in a society, while insulating themselves from the consequences of their own ideas. In "Choose Your Enlightenment," Conquest demarcates a radical tradition stretching back to the French Revolution, which translated the French Enlightenment's appeal to "exciting generalities" like Rights of Man and Will of the People into a program of deliberate terror and universal conscription, and left behind not one but two sinister legacies: aggressive nationalism on one side, and the bureaucratic *dirigiste* state on the other. That tradition's later intellectual heirs would enable the rise of Hitler, Mussolini, and Franco in the first instance, and Lenin, Stalin, and Mao in the second.

There was, however, another enlightenment, the enlightenment of Adam Smith, David Hume, James Madison, and Edmund Burke, which upheld more constructive and modest aims, like the rule of law and the right of property. It would establish the cultural legacy inherited by what Winston Churchill called the English-speaking peoples, and what Conquest and others now term the Anglosphere: Britain and America; Canada (most of the time), New Zealand, and Australia; and most recently, modernizing, globalizing India. This tradition respects persons as well as institutions, and liberty more than equality. It prefers life's "little platoons," in Burke's phrase, to the "big battalions," in Stalin's. This is the enlightenment that holds the best hope not only for the West, but for the peoples and cultures around the world who otherwise would be swept away by globalization.

An arrogant intelligentsia can set off a destructive mania, while insulating themselves from the consequences of their own ideas.

Yet even in the Anglosphere, that other enlightenment, the one that smiled on the coercive power of the state and frowned on the creative power of freedom and free markets, has left its corrosive mark right down to today. Conquest's essay "Slouching Toward Byzantium" shows how it emboldened the architects of bureaucratic statism in the West, from the New Deal to the European Union. In a more vicious form, this same phenomenon has turned the typical English-speaking university into a well-funded instrument for destroying

Mr. Herman is the author most recently of *To Rule the Waves: How the British Navy Shaped the Modern World* (HarperCollins).

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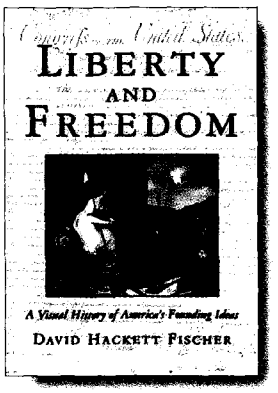
traditional Western culture rather than preserving it.

It is there, rather than in some al-Qaeda bomb factory or radical mullah's mosque, that we find the real gathering threat to our future; that at least is Conquest's view, and it becomes hard to disagree with him. Adam Smith once described universities as "a sanctuary in which exploded systems and obsolete prejudices find shelter and protection after they have been hunted out of every other corner of the world." In Smith's day, those exploded systems were the Divine Right of Kings and the Great Chain of Being; today they are Marxism, Leninism, and the irrationalist Nietzsche-Heidegger nexus that once justified Hitler.

The totalitarian political program failed so utterly that no one dares revive it, in either its Communist or Nazi form. But as Conquest points out, "the instinctive urge" to impose the values and opinions that underpinned it now dominates what can be laughingly called our institutions of higher learning. It is by now a familiar process. The radical professor inspires his or her graduate students to follow political suit, if only out of self-interest. They then go out and find academic jobs, where the outrageous theories concocted in the graduate seminar become the sober orthodoxy of the lecture hall. From there the ideas are passed on without question to students who go to work for newspapers and television stations, or enroll in teachers' colleges, or enter politics and government service.

This is the ideological food chain that leads from, say, a Michael Harrington to a Mary Mapes (Dan Rather's producer), or a Ronald Takaki to La Raza. The Taliban, Conquest reminds us, started out as a group of village teachers and their students. The problem is plain; what to do about it is not. So for now, we draw up alternative reading lists, not just for schools here but future ones in Baghdad and Fallujah and one day in Riyadh and Cairo; maybe even Cambridge and Berkeley. Smith and Hume, Jefferson and Madison, Burke and Mill; Tocqueville and Hayek, along with Dostoyevsky and Solzhenitsyn. And Conquest, lots of Conquest. You can bet they are reading him in Ukraine today; those of us who have forgotten the Cold War, and what it was about, should do the same. **NR**

American Icons



Liberty and Freedom: A Visual History of America's Founding Ideas, by David Hackett Fischer (Oxford, 864 pp., $50)

MICHAEL KNOX BERAN

ABY WARBURG, scion of a Hamburg banking family, had no interest in ledgers or letters of credit; he had, however, a passion for books and pictures. He resigned his interest in the family firm and in the 1880s embarked on a career as a collector, critic, and aesthete. He devoted his extensive leisure to the collection of a celebrated library, and in his studious hours he examined the way the painters of the Italian Renaissance used Greco-Roman motifs—Apollo's lyre, Proserpina's flowers—in their art. The result was a new approach to the study of art variously known as "iconology" or "iconography," an attentiveness to the traditions giving images their authority.

David Hackett Fischer has now applied the techniques developed by Warburg's school to American images of liberty and freedom. "Every American image of liberty and freedom," Fischer writes, "has a story behind it." The purpose of his book, *Liberty and Freedom*, is "to tell those tales, one by one, in a way that centers on individual actions, deliberate choices, and contingent events." Fischer traces the iconology of the Stars and Stripes and Yankee Doodle, American eagles and "Don't Tread on Me" rattlesnakes, Brother Jonathan and "I Want You for U.S. Army" recruiting posters.

Whether Fischer has succeeded in his effort to apply the techniques of iconography to such artifacts as Willkie buttons and the motifs of the flower-power movement is another question. *Liberty and Freedom* is a broad book but not a deep one, and though Fischer faintly attempts to distinguish the different shades of meaning of "liberty" and "freedom" by glancing at their etymological roots, he too often neglects to show how these differences are reflected in the images he discusses. "Liberty," from the latin *liber* and the Greek *eleutheros*, he connects to ideas of "separation" and "release" as well as to "privileges" that "may be given"; "freedom," however, he associates with the German *frei*, with notions of kinship, rights ("that which must be given"), and "soul freedom"—"becoming one with God." Such verbal distinctions are not easily captured in pictures, and Fischer fails to pursue the inquiry with much diligence.

One has only to compare his discussion of the "liberty trees" that flourished in New England during the American Revolution—venerable oaks and elms consecrated to the struggle against the Crown—with Warburg's analysis of the frescoes in the Palazzo Schifanoia in Ferrara to sense what is missing. Warburg probed beneath the neoclassical façade of Renaissance art to reveal a core of mysticism and magic. Fischer, by contrast, is content with surfaces. His treatment of the liberty trees' cultural antecedents in Europe is perfunctory; the tree, he argues, is an American creation—"invented," he says, by the Loyal Nine, a party of Boston Whigs, in 1765. The assertion leaves the reader puzzled. In a 1787 letter to John Adams's son-in-law, William Stephens Smith, Thomas Jefferson said that the "tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure." Five years later, at the height of the French Revolution, Bertrand Barère concluded an address to the Convention by declaring that the "tree of liberty, as an ancient author remarks, flourishes when it is watered with the blood of all classes of tyrants." It is most unlikely that Barère knew of Jefferson's letter, which for many years remained unpublished. The more

Mr. Beran is the author most recently of *Jefferson's Demons: Portrait of a Restless Mind.*

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plausible explanation is that both Jefferson and Barère, in their meditations on the liberty tree, drew on an anterior source, probably not an American one, for Barère had little knowledge of American affairs. What might the aboriginal source of the liberty tree be? J. G. Frazer's *The Golden Bough* sheds more light on the question than *Liberty and Freedom*.

Fischer's failure to dig too often leaves him without enough to say about his subjects, a poverty of analysis he imperfectly conceals by inserting moribund adjectives—"deeply" is one of them—into his sentences. "The presidency of Andrew Jackson," Fischer writes, "deeply divided American opinion." The New England reformers "deeply cherished the achievement of independence." "Deeply worried" about the country's response to his Emancipation Proclamation, Lincoln for a time hid the document in a drawer.

This is not Fischer at his best. The flawed writing in *Liberty and Freedom* derives from its flawed premise. Much of the civic kitsch with which Fischer deals—magazine covers and paintings by Norman Rockwell—does not repay the kind of analysis to which Warburg subjected the Schifanoia frescoes. Political art is not necessarily bad art; Virgil's prophetic musings on Rome's mission in the *Aeneid* reward aesthetic study, just as Aeschylus' vision of Athenian justice in the *Oresteia* does. But Mae West dressed as the Statue of Liberty will be more profitably studied in the lamp, not of Warburgian connoisseurship, but of Gibbonian irony. Those images that might justify the scrupulous investigation of what Warburg called *Pathosformel*—the latent forms of cultural feeling that give pictures their power—are too often passed over with a hasty glance, as Fischer hurries on to the next object.

The extent of ground that Fischer has to cover in *Liberty and Freedom* betrays him, too, into uncharacteristic lapses. Robert Lovett did not go to Groton. The analysis of Theodore Roosevelt's theory of political economy belongs in a textbook. Fischer's discussion of the Greek belief that in a tyranny only one person is free obscures the more important Greek insight that no man is less free than the tyrant (*Republic*, 579 d-e). Yet the book is by no means unrelievedly bad. There are fine portraits of such "iconic" Americans as Thoreau, Margaret Fuller, and Robert E. Lee. These studies of the intersection of character and tradition are Fischer's forte, and they possess many of the qualities that made his previous books, *Albion's Seed*, *Paul Revere's Ride*, and *Washington's Crossing*, first-rate histories. But however compelling they are, these sketches of souls are separated by long stretches of barren text, and the promised "narrative lines, all braided together" do not emerge with anything like the force needed to carry a reader through the book's more than 700 pages.

In *Liberty and Freedom* Fischer fails to deliver the advertised story, and he lapses into the bad habits of the professor. In his earlier books he attempted, with considerable success, to reconcile the demands of academic scholarship with the narrative art of earlier generations of historians; but he has so far failed to perfect his storytelling technique and write the classic historical work of which he is perhaps capable. This sort of failure is not uncommon in the university; the professional historian who has spent years mastering his sources and cementing his reputation as a scholar supposes, when he sets out to write narrative history, that his academic attainments qualify him for the task.

Gibbon and Macaulay were more modest in their estimate of their abilities; to live on intimate terms with their sources was, they knew, only the beginning of their craft. The historical art, as much as any other, requires a period of preparation; and both Gibbon and Macaulay early apprenticed themselves to master craftsmen. The historian of the decline and fall of the Roman Empire went to school to Tacitus. The historian of the Revolution of 1688 studied at the feet of the Greek masters; Macaulay's "sense of his own inferiority to Thucydides," his nephew George Otto Trevelyan wrote, "did more to put him out of conceit with himself than all the unfavourable comments which were bestowed upon him, (sparingly enough, it must be allowed,) by the newspapers and reviews of the day." What might so formidably industrious a historian as Fischer achieve if he devoted his hours to the composition not of catalogues raisonnés but of narrative gems? We close without reluctance the present volume and hopefully await his next. **NR**

Mother's Boy

Borges: A Life,
by Edwin Williamson
(Viking, 574 pp., $34.95)

ALGIS VALIUNAS

THE Argentine writer Jorge Luis Borges (1899-1986), prolific master of the short burst, known for his poems, essays, and stories and for never having written a novel, was the founding father of magic realism and is widely thought of as the greatest Spanish-language writer since Cervantes. Borges is of course most famous for his fantasies with cosmic implications; among the best are "Tlön, Uqbar, Orbis Tertius," "The Library of Babel," "Three Versions of Judas," "The Zahir," "The Writing of the God," "The Aleph," "The Sect of the Thirty," "Undr," and "Blue Tigers." These stories reel and yaw with metaphysical uncertainty. All known pieties are up for grabs; gnostic strangeness abounds. In one story an ancient sect, now lost, worships Jesus and Judas equally, as reverent agents of the divine intention. In another a modern theologian discovers that the Word was made Flesh not in Jesus but in Judas, and that Christianity is the greatest cover-up going. A 20-centavo coin gives its possessor a fearsome intuition of the nature of God and Creation. A small stone contains the entire universe, visible at once in its full extent. A singular copy of the *Encyclo-*

Mr. Valiunas is a literary journalist and the author of *Churchill's Military Histories*.

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paedia Britannica leads Borges to a world, most likely the product of human imagination, where the inhabitants understand time but have no concept of space.

Borges stands habitually poised somewhere between time and eternity, between the end of the universe and boundless space; he dwells upon the mystery of the infinite. No common explanation for or description of reality, however reasonable or deeply engrained in the culture, withstands the lethal radiance of Borges's imagination, which never forecloses any alternative to the conventional philosophical, scientific, or religious accounts. There can, however, be such a thing as too much imagination. If anything that can be thought of just might turn out to be true, but everything can be understood every possible way, as the world is made anew with each passing thought, then the prospect of ever discerning the truth amid this confusion grows increasingly unlikely the more one thinks. And Borges's mind swarmed with thoughts.

Edwin Williamson's astonishing *Borges: A Life* attempts to show that when Borges's mind roved through limitless vistas of time and space he was actually thinking about things very much of this world: especially family and romantic love. Williamson believes that Borges's failure at ordinary life turned him toward the harrowing metaphysical questions and that it perhaps explains the futility of his efforts to answer them.

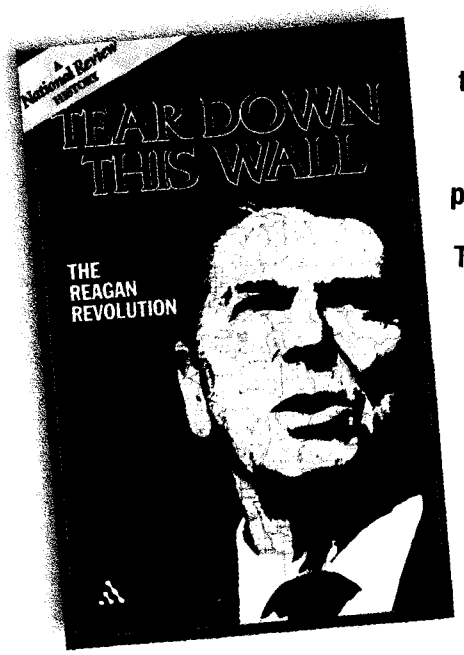
Borges came of distinguished ancestry, but he despised his conquistador forebears as ignorant freebooters and reserved his admiration for those men who later fought for Latin American independence from Spain, soldiers and statesmen sworn to the noblest cause he knew. The Argentine national pageant was a family romance: The swords of heroes were displayed in the Borges home, and proud visages glowered from silver-framed portraits. Borges grew up adulating beyond measure men as bold and fierce as he was not. Williamson essentially devotes his biography to the psychic death-match between the sword of honor, carried by the ancestors who lived and died in purest dignity, and the dagger, sported by the *compadrito* or ruffian dandy who drank and whored and thieved and killed for nothing.

In Williamson's schematic but not unconvincing rendering, Borges's father wielded the dagger and his mother the sword. The elder Borges was no *compadrito*, but he did have a raffish side, and even went so far as to publish poetry and to dream of literary glory—unseemly in a man of irreproachable lineage. The mother was all respectability and social ambition. Williamson refers to her simply as Mother, no possessive necessary: She does all the possessing. A luncheon guest remembers her saying to the housekeeper, who asked her if she should pour Borges some wine, "*El niño no toma vino*"—the boy doesn't drink wine. Borges was pushing 60 at the time.

With the maternal sword thrust deep into his vitals, Borges in the pursuit of love staggered in mortal agony. None of the women Borges fell in love with over the course of more than 40 years met Mother's specifications; in her eyes they were common or bohemian or sluttish, and Borges would cringe and cower dutifully, turning his back on the women he wanted so, or driving them away with his mama's-boy antics. For years he reeked of sexual desperation. Broken romances brought him to the verge of suicide more than once. In his 60s, he married a widow whom he had courted fecklessly years before, and he was sure that he would live out his days in ecstasy; but she was an ordinary housewife, he an intellectual grandee, and the marriage was a disaster. He wound up leaving her for María Kodama, decades younger than he, with whom he found the love he had fumbled toward all his life.

At the heart of Williamson's account is a line from the philosopher F. H. Bradley that Borges chose as the epigraph to a 1928 book of essays: "For love unsatisfied the world is a mystery, a mystery which satisfied love appears to understand." Erotic distress translated into metaphysical consternation, and both found their way into Borges's writing. During most of his career Borges studiously avoided writing of love, at least directly; but, Williamson writes, this subject "haunted the work of his middle years and was encrypted in signs, symbols, and motifs virtually everywhere in his texts." Although Williamson's endless worrying at this theme turns into academic overkill, he clearly understands something essential about Borges's fiction. Moreover, Williamson elucidates why Borges abandoned the gorgeous love poetry of his hopeful youth and only really resumed writing poems in old age, when at last those youthful hopes were realized.

NR on RR



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Williamson penetrates brilliantly the psychological origins of Borges's art, but he does not illuminate its excellence or the reason for its immense appeal. John Barth spoke of Borges as the writer "who had succeeded Joyce and Kafka"; that is grossly excessive praise, but it is true enough that Barth is one of the writers who succeeded Borges, and that they represent a prominent strain in our current mental life. Borges was the prototype of the postmodern literary genius, who sees the world as an insoluble puzzle and spends his life in fervent perplexity, playing raptly with thoughts he cannot assemble into coherence, settling for the makeshift consolation art affords in a universe without meaning. Although admirers see Borges as having shaped the prevailing thought of his time, in fact it shaped him: He thought the thoughts persons of advanced views were thinking, and he brought them to a focus. His intelligence was of the sort most esteemed today: bemused with a world offering so many possible explanations that no reasonable person can be expected to choose among them. There is nothing wrong with loving the search for truth as much as the truth itself; the greatest minds have done so. However, crassly to assume, as Borges did and his disciples do, that any explanation is pretty much as good as the next, and that consequently no explanation is much use at all, except as an exalted form of diversion, admits defeat in the most serious human enterprise before the opposition has even shown its face.

Robert Musil characterized this definitely indefinite modern type as the man without qualities. In the prose poem "Everything and Nothing," Borges attributes a similar strange indefiniteness to the two supreme creators, Shakespeare and God: Without a distinct self of his own, each dreams the world that he creates, and each sounds wistful about what he has sacrificed to his creative genius. Borges clearly believed himself a comparable case, in his own small way. For him truth is really not the measure of significance. Invention occupies that place of honor in Borges's world, for telling stories is the human activity that most closely approaches the creative force of the divine mind, even if those stories leave that mind an impenetrable mystery. **NR**

■ ESSAY ■

Jump Street

RICHARD LOWRY

I'm scared of heights. That's not quite true. I'm scared of falling.

That's why one afternoon a few weeks ago I was left wondering why I was about to climb into an airplane, ride in it for about 20 minutes, then jump out. It was the product of long-running idle talk with a friend—"We should jump out of an airplane sometime"—now gone horribly wrong, or so it seemed to me at the time. We were at a tiny airfield 50 miles outside Washington where for a few hundred bucks they will do you the favor of letting you fall out of one of their airplanes.

You can do a "tandem," a jump where you are tethered to an expert and don't have to do anything except enjoy the ride down. Or you can do the "accelerated free fall," where you exit the plane with two instructors, but they aren't attached to you and once you pull the rip cord, you are on your own. My friend—made of sterner stuff—insisted that the tandem was insufficiently manly, so we asked for the other, even though just the words "accelerated free fall" gave me the jitters.

As they started our training course, the first thing they said was, "We're all about keeping you alive." It wasn't necessarily reassuring, since I've always preferred activities in which staying alive goes without saying.

There are two types who hang out at these airfields and are the expert jumpers. There are the stoners—like one of my instructors with shoulder-length bleached hair who loved making porn references and sticking his tongue out in lewd gestures (this is the guy who's going to keep me alive?). Then there are the former military guys with short-cropped hair who were parachutists in the service and are straitlaced and serious. I nervously laughed at the jokes of the stoners, and tried whenever possible to gravitate to the former military guys.

We had several hours of instruction. At one point we got deeper and deeper into potential crises in the air. "Well," our instructor replied to one query, "at that point, there's really no right answer." No right answer! It turned out that it didn't pay to be overly analytical. The instruction manual has a little section on emergency scenarios. One is under the heading "physically incapacitated." The advice is simply "pull," as in the rip cord. Uh, wait a minute. I thought I was physically incapacitated! How am I going to pull?

All this is probably why the old line in Airborne School—or so I'm told—is that the first week they separate the men from the boys, the second week they separate the boys from the idiots, and the third week the idiots jump.

When we were finished with the instruction, I told my friend I wanted to go first because I couldn't take the anxiety anymore. But before I could get on, the plane had to fly to another field to refuel, which would take about an hour. My stomach twisted into a new knot every few minutes. It was too warm to be in a cold sweat, so I was just in a warm sweat. My mind raced to try to think of a way to back out. Could I fake injury? "Have I ever mentioned that I have a trick shoulder? It comes from not having played football in high school."

Eventually the plane arrived (a small twin prop), and I climbed in. On the way up, one of the instructors told me that it is standing on the edge of the plane's door that is the hardest part because it's so loud and windy, and once you jump it gets relatively peaceful. It sounded a lot like a line to try to gull you out the door, but it turned out to be true.

It is so profoundly unnatural to stand at the very edge of an open plane door and stick your head out, as you do just prior to jumping. But once you are at the door, I found, anxiety and hesitation are useless. You're going out the door no matter what, and the longer you wait, the further you will get from your target and the more likely you are to end up landing in some farmer's field rather than safely back on the airstrip.

At the door, you go through a little ritual that allows the two instructors who will hang onto you during your free fall to know when you are about to jump. You look at the instructor hanging out the door to your left, then back at the instructor on your right inside the plane, bounce up on the balls of your feet, come back down, and then out the door.

It's really taking one step to your left.

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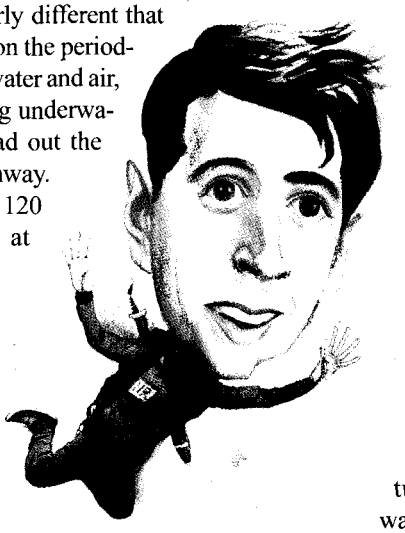
There's no need to jump, because even if you are just a little out of the plane, you are . . . out of the plane, and gravity takes care of the rest. Initially, your feet are roughly pointing toward the ground. But the air pushes you until your feet and the rest of you are parallel to the ground, headed belly-first to a potentially cataclysmic rendezvous with terra firma.

All I remember from going out is a herky-jerky feeling of disorientation. You don't know what is up, down, or sideways. "It's going to feel weird—there's no way around it," one of the instructors had said. I had a video made of my jump and whenever I look at the exit, my stomach drops. It's such a bizarre sight watching the three of us disappear out the door.

They call being out in the air during free fall being in "the element." And it does seem like something utterly different that should have its own spot on the periodic table. It feels like both water and air, a sensation like swimming underwater and sticking your head out the window of a car on a highway.



ROMAN GENN

You fall at a speed of 120 mph. A beginner jumps at 13,000 feet and then pulls at roughly 6,000 feet. It is right after you pull that you find out whether you have a life-saving parachute over you or not (if not, there is a reserve chute). They tell you to look up and see if "it's there and square" (square means it is fully deployed and in good flying shape). When I saw mine, I let out a hearty, "Thank you, Jesus!" and chortled at my good fate.

The free fall lasts about 45 seconds. But it is a long 45 seconds because you experience each one so intensely. One instructor told me, "Time is changeable, it's only altitude that's immutable." It's true. After you pull, you slow down radically and relative to how fast you were going seem to stand still. You then seem to have forever. You are suspended midair, with nowhere to go and nothing to do. It's only when you get closer to the ground again that time speeds up.

A wise man once said that nothing is quite as exhilarating as being shot at without consequence. On the same principle, the best part of falling out of an airplane is landing, getting up, and walking away. I was exhilarated, but had no intention of ever doing it again.

But the whole experience strangely stuck with me. Life seemed so slow for days afterward. I'd walk down the street and remember the stomach-tingling intensity of the free fall and want to feel the adrenaline and the terror again. When on a plane, I'd look out the window, at that flat landscape from thousands of feet up, and think of jumping. I wanted to do it again.

We went back to the airfield a few weeks later because my friend didn't get to jump the first time—we had run out of daylight. It turned out a pilot had died there a week or so before. He had been working on fixing an airplane and had taken it for a test run, but had never fully gotten off the ground. You could still see the wreckage at the end of the airstrip. "It's sad," an instructor of the stoner variety told us. "When this is your sport, you deal with a lot of death. People are always doing stupid things and dying."

It was a dolorous beginning to our return. My second time was less intense, but I was also more aware of what was happening during the free fall. I had forgotten the violence of it, the sheer pounding rush of air. My instructor signaled with his arm in a sweeping motion, as if to say, "Behold, all this beneath you." And it was truly awesome, how far you could see in all directions, the mountains in the distance and the beautiful patchwork colors of the ground below, but I had a tickle of panic somewhere in the back of my brain: I was out in nothingness, with nothing to hold on to, hurtling toward oblivion.

I can see how people get addicted to it. The skydivers are great American recreational risk-takers like those guys on the Harleys wearing no helmets. They have the same taste for speed, danger, and a hell-bent ethic of individuality. A more timid soul, I will never fully drink of their cup, but I'm glad I at least sipped from it. It's a hell of a trip down. **NR**

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■ CITY DESK ■

Offstage Moments

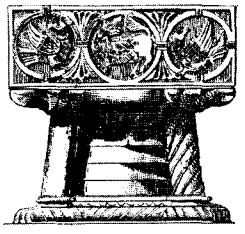
RICHARD BROOKHISER

GREEN rooms are offstage rooms where actors relax when not performing. The origins of the name are lost in the mists of time; the traditional guess is that the color green soothed eyes that had been staring into limelight. Limelight is long gone from theaters, and television never used it, but TV stations also have green rooms, for the use of talk-show guests. Any veteran trotter in the worlds of punditry or book PR has stabled in innumerable Manhattan green rooms, while waiting to run his course.

Green rooms vary with the prosperity of the station that is your host. CNN has moved into new quarters on Columbus Circle, which look like Mordor with a makeover—all sleek icy metal ("Sauron, that volcano was so Dungeons & Dragons"). The road to the green room at Bloomberg LP leads past winking tropical fishtanks. Other green rooms recall precinct houses, or Central American car-rental offices. All are simple, most are primitive.

Every green room has an attendant bathroom. "Never pass a men's room"—advice I have heard attributed to Nelson Rockefeller, and George VI. Some stations give you a key and an intelligence test—two rights, and a left. It's not hard, unless you're trying to think what to say about Social Security or Paris Hilton. Unisex bathrooms are likely to have stern, handwritten warnings against flushing tampons. Ladies, don't you already know this? Worst are the bathrooms with windows pried open, even in winter (though you reflect they would probably be worse yet if the windows were closed). High-quality shows provide refreshments. *Firing Line*, of blessed memory, had no place to sit, but you could nosh from trays of sandwiches, thanks to the Jewish-motherliness of producer Warren Steibel. My wife was astonished, one morning, at the caliber of the spread provided by the New York City version of the *Today* show. When the weather reporter on the monitor analyzed clouds over Oshkosh, my wife realized she was waiting to appear on the *national* version of the *Today* program ("You'd gone uptown," a friend in the business said). Lesser green rooms have sad little fridges holding the sustenance of employees; in least green rooms these are padlocked.

At some point you leave the green room to be made up. A woman sits me on a director's chair, puts a barber's cloth around my neck, and asks about my few sad last gray hairs. Would I like them brushed? I always refuse. She earns her pay on my face. Sometimes on your way out you can swipe a handi-wipe to get the crust off, which does nothing. Better to resign yourself to looking like a drag queen for the rest of the day. The make-up artists are typically pleasant, as are all the off-stage personnel. One woman I used to see at the History Channel was researching a light-infantry unit of Indians that George Washington had recruited during the Revolutionary War; they were distantly related to some modern casino-owners. I wonder whether she persevered. Montel Williams had a security guard, phlegmatic and good-humored. One show, which never aired, featured two sisters and their common lover. The young man admitted to being so high that he had not known which sister he was embracing. "Dumb as a box of rocks," murmured the guard, shaking his head.



Fellow guests are also generally pleasant, with a few exceptions. The anti–anti-Communists of the Cold War—a spokesman, say, for Scientists Concerned (real name: Scientists Concerned That the Soviets Might Lose Some Advantage)—were the worst. In the green rooms, they were cool and distant; on air they would save their sucker punches to the last minute; they knew exactly what they were doing. Professional pundits enjoy a certain camaraderie, whatever their views. In the make-up room at MSNBC Eric Alterman was jovial. "This is why I love Bill Gates," he would say, pointing to the monitor. "There are three commentators—and they're all black—and they're all right-wing." More right-wing than Eric, at least. The most unusual fellow guests were Siegfried and Roy's white tiger cubs. They lay in a groggy heap like Stieff toys. On air, they perked up; one kept stalking off the set.

My strangest green-room moment occurred in Charlie Rose's antechamber, waiting to comment, live, on one of Bill Clinton's State of the Union addresses. We had a text, but since there were last-minute additions, we also had him on the monitor. Like his appetites, his State of the Union addresses were insatiable—stuffed with every possible policy. We were running up against the air time for our segment; it came; we filed off to the big wooden table, confident that the president had passed the clubhouse turn and, though not yet at the finish line, was laboring down the homestretch. We could thus, in good conscience, discuss his proposals, with the wise inconsequence of all such discussions. As we filed back through the green room on the way out, we saw, with surprise, that he was still going strong. I believe he had finished by the time I had taken a taxi home, though I will not swear to it.

The most interesting advice for talking heads I ever heard was from Jerry Nachman: Always have contempt for the camera. Nachman was comely as a fire hydrant; for him, this was a counsel of necessity. But, though contempt is too strong a word, it is good advice for everyone. Talk as you would to your colleagues or your wife. Forget that it's television. Television is written on water. What remains of its first 50-plus years? Some news footage; the *Honeymooners*; Coneheads. What else? Don't think of anything special to say about Social Security. Say what you think; with luck, it will make sense. The green rooms and the makeup are odd preparation, but think of them as brief preliminary rituals. Then go out, as if you're having a cup of coffee. **NR**

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on the right

WILLIAM F. BUCKLEY JR.

Penetrating Social Security

NEW YORK, DECEMBER 17

It becomes clearer, day by day, that the talk about reforming Social Security is an ideological debate. The *New York Times*'s summary on December 17 is useful: "Away from the conference [called by President Bush during the week], some opponents of Mr. Bush's approach, mostly liberals who want to preserve the current Social Security program, said in interviews that the administration was exaggerating the scale of the problem to create an air of crisis that justified radical but unnecessary changes like creating private investment accounts."

The federal Social Security program was the crowning intervention of the New Deal. It has always depended heavily on illusions. The first of these was that money paid in to Social Security was actually being sequestered someplace, subject to convenient materialization when contributors reached senior age. A second illusion was that the program was designed for those who would otherwise be in need. A third was that money paid out would correspond in some way with money paid in, and that the age at which payments would be activated would coincide in some way with the age at which physical decrepitude set in.

What happened, of course, is that Social Security became a general welfare program. Year after year, politicians proclaimed it untouchable. In fact it has been modified over a dozen times.

What the current fight does is give us another theatrical setting for the ideological dispute. Begin at right-wing position A: There shouldn't be a federal Social Security program. People should look after their own needs, making arrangements with family, with employers, and with private insurance companies.

Left-wing position Z: Americans who reach a certain age should not be concerned about income. Ours is a welfare society, and what welfare is better earned, or more keenly needed, than old-age assistance?

Conservative critics pursue their long war of attrition. It begins with the question: When should a recipient be entitled to receive money? On this point the conservatives can hold the floor triumphant, because history unmistakably affirms that it was contemplated by the framers of the program that payments should begin at about the age at which Americans begin to die, which Americans used to do in their early and mid-sixties.

What came, of course, was longevity, ironic in that it brought not only the happy prospect of longer lives, but also the unhappy prospect of hugely increased medical expenses to make that life possible and, tangentially, pleasant.

Here the liberals won the battle decisively—payments would not correspond with health. True, by the year 2027, Americans will start receiving payments only on reaching age 67. But if the spirit of the whole arrangement were faithfully exercised, payments would not begin until approximately age 73. The fiscal problem would not evaporate, but it would have been hugely diminished.

The assumption that moneys paid in would be put away was quickly overwhelmed by reality. The government proceeded to spend the contributions, and acknowledged an obligation to replace them with cash as individual subscribers reached payout time.

An opening for the conservatives: You have all this money accumulating in a Social Security account. Never mind that it's in government I.O.U.'s, why not let subscribers specify how some of these reserves should be invested? That way two things are accomplished: You give the subscriber a shot at a larger return and you detach from the Social Security "fund" a hunk of money now available to augment the capital pool, thus yielding more employment, and a higher rate of economic growth.

Opponents make the plausible point: If you subtract, say, a trillion dollars from the I.O.U. fund, you're going to have to come up with the money to pay obligations in place. If, for example, Veterans Hospitals are going to cost $250 million, which in the past had been generated by Social Security payments, where are you going to go when those funds are forfeit to the new system?

Taxation! the liberals say.

The conservatives respond: None of your business. It's the people's money. Don't act as if it were yours!

The objective of Mr. Bush is admirable. The complaints of the liberals are real. We are dealing with a structure composed of lights and shadows, but a structure which, within the next 38 years, has to come to terms with real people, real money, resourceful politicians.

Uncle Scrooge

NEW YORK, DECEMBER 30

On the matter of the tsunami, several thoughts come to mind, disparate but not unrelated.

1) The first recalls Bishop Butler of the 18th century. Ronald Knox nicely summarized what I have come to call "Butler's Escape," as follows: "I do not think there is any getting over the force of Butler's argument in the *Analogy*, that if we had been set down to build this world according to our own specifications, it would not have been the world as we know it." No cancer, no tsunamis, no whooping cough.

2) The second remarks the tendency to assume that money given away by the U.S. is accumulated by exnihilation. Before, there was nothing: Breathe smilingly—and there is an ocean of money! So that the matter people begin talking about isn't raising money, it's allocating it. Certainly no one this side of Aceh has suggested a surtax for the benefit of the stricken. The money is just supposed to crystallize, which is a feat of modern economics nowhere explained except in ancient alchemical texts.

3) There has been major taunting of the United States. This was triggered by the president's mention of $35 million as an initial contribution to the relief

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and reconstruction of the stricken areas.

All the world denounced this as piffle, a sum of money embarrassing in its meanness, given American wealth. One observer thought to spotlight our niggardliness by contrasting this with posted commitments by other nations, prominent among them, Spain. Spain is allocating $68 million. The question crosses the mind of the solon: How much money has Spain saved by withdrawing from the collective effort to curb Saddam Hussein? The difference between the bloody chaos brought on by the tsunami and the bloody chaos brought on by Saddam is that one of them was the wicked force of nature, the other, the wicked force of someone who is still alive and who continues to serve as patron of daily bloodbaths in the insurgents' war to deprive the Iraqi people of life under freedom.

4) Any appraisal of American contributions to the planetary commonwealth properly takes into account the cost of defense. Europe is the primary leech here. For decades it has relied on the U.S. to look after it, whether by matching Soviet nuclear missile strength, or moving to tranquilize Kosovo; and now, of course, the major effort in the Near East, in which only Britain shares the cost.

5) The American people last year gave away individually, not corporately, $290 billion. That is the sum total of gifts to the Red Cross, hospitals, schools, churches, whatever. That is a staggering act of generosity done by millions of Americans who contribute voluntarily. None of this money has anything to do with taxation by the government. The national disposition to sacrifice is written by the American foot, tracing its will on the sand beneath it, not by congressional appropriations, or executive dispensations.

6) Obviously the U.S. government will end up giving much much more than $35 million. That figure was an initial reaction to the tsunami's holocaust, well before the full scale of it was perceived. In Sri Lanka on Wednesday one million people were without water! To cope with peculiar devastation on that scale requires resources, yes, but primarily, huge ingenuity.

We have that kind of creative intelligence, and we have the good will toward our neighbors in the world. It would be good to proceed without the fustian of U.N.-types.

Whither Taxes?

NEW YORK, JANUARY 4

A C-SPAN look-in on President Bush's challenge on tax reform featured two bright scholars, libertarian in outlook. Mark Henrie, from the Intercollegiate Studies Institute, and Doug Bandow, of the Cato Institute, acknowledged that Bush's reforms would not be shaped by fundamentalist models. Reformers in the past have focused on alternative approaches to tax reform radical in character. The first would eliminate the progresssive feature of the income tax—Rockefeller and his chauffeur would both pay 15 percent of their income. The second would eliminate the income tax itself, substituting a sales tax. Dick Armey wrote a book advocating a reform that drastic, and Milton Friedman many years ago made recommendations that deep.

It ain't going to happen, was the consensus on C-SPAN, so one lowers one's sights. What is it that could entice the administration and the congressmen who seek a substantial change in the laws?

In a recent conversation with Professor Friedman, he stressed the point that substantial reform cannot be expected for one reason: Congressmen are in Washington to craft tax laws that enhance the interests of their own constituents.

I wrote in a book 30 years ago that "tax reforms seek to improve on previous tax reforms by arching their provisions, like jungle leaves writhing for the sunlight, towards such rays of justice and equity as are discernible at any given moment of relative composure in American politics, when the pandemonium freezes, as for a photographer, for just long enough to permit one set of claimants to overshadow another. Thus a tax reform is born."

Never mind the verbal frosting, the analysis is undeniable. A tax reform is a new code enacted after massive wrestling and eye-gouging and threats, presented as a civilized enhancement of social policy. It is an assertion of justice, justice understood as a blend of considerations: the necessities of the state; the toleration of the body politic; the relationships of power among the affected interests; and rough justice. All of the above decocted from the minds and hearts of 535 legislators.

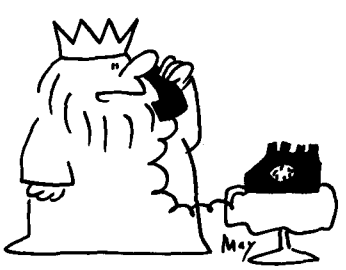
But the call for intelligibility is more than a cry for understanding. The incomprehensibility of modern IRS language challenges the dignity of self-rule. "For purposes of paragraph 3, an organization described in paragraph 2 shall be deemed to include an organization described in section 501 c, sub-paragraphs 4, 5, or 6; which would be described in paragraph 2 if it were an organization described in section 501 c 3." That paragraph is taken from the 1969 Tax Reform Law, and sheer physical cowardice discourages investigation into how subsequent tax-reform laws absorbed that paragraph. What we do know is that the current law consumes over 54,000 pages.

Complexity of tax-law language informs us of attempted refinements of fiscal thought. Yet these refinements, piled one on another, can end in vitiating the purpose of the law and even in contradicting it. A desire to shelter the poor can't get around the regressive impact of state sales taxes on goods the poor need to have. You can't frame sales-tax schedules on proportionality: because rich and poor have common necessities.

The political clamor during the election season had to do with the relief given to the rich by the tax law of June 2001, which reduced the top tax rate from 39.6 percent to 35 percent. This meant that the highest bracket taxpayers pay $60 to $80 billion less in taxes than they would otherwise pay. These are the same 1 percent of taxpayers who come up with 34 percent of all the income taxes that flow in to the federal register. There will be a first-class row over the question whether the richest Americans should be permitted to be that rich.

That much we can count upon. But also, we can hope that even if radical legislation has to be postponed yet again, the criteria will affect the legislative mood, and illuminate the way to sounder tax laws.

—UNIVERSAL PRESS SYNDICATE



"Yeah, Prince Albert is in the can—why?"

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happy warrior

MARK STEYN

Us 'n' Nature

I FIND myself thinking of Kenya's tsunami victim. That's right: victim, singular, no "s" on the end. He was Samuel Njoroge, a car mechanic from Nairobi, who was making his first-ever visit to the East African coast. "He was very excited about the prospects of going to the beach and learning how to swim," said his father. He picked the wrong day.

When tens of thousands are dead, it's easy to mock the networks' flying in Diane Sawyer and the other sob sisters to nod sympathetically and maintain that anguished angle of the eyebrows as someone relates a specific tale of woe. But "human interest" at its crassest has a lot more going for it than its opposite: inhuman lack of interest. Consider 43-year-old Greg Ferrando of Maui, on vacation in Thailand and enjoying the charms of newly deserted Patong Beach. As the Associated Press reported, "he went for a barefoot jog up the immaculate white sand beach, where the tsunami has wiped away almost all signs of humanity."

"This whole area was littered with commercialism," said Mr. Ferrando. "There were hundreds of beach chairs out here. I prefer the sand . . . It looks much better now." If you don't mind stumbling over the occasional washed-up corpse on your barefoot jog.

There are a lot of takers for Mr. Ferrando's view: Man is the problem. He should be humbled by the awesome power of Mother Nature and learn the error of his ways. Eschew the beach chairs and parasols and margaritas and all the other litter of commercialism.

But, if I had to name the single most distinguishing feature of North American life, it's the refusal to be cowed by the elements. In the northern two-thirds of the continent, Mother Nature spends six months of the year trying to kill you, and do we care? Hell, no! Bring it on! In the weeks leading up to the fall of the Taliban, you may recall, the media were prostrate before the awesome powers of the "brutal Afghan winter": "Realistically, U.S. forces have a window of two or three weeks before the brutal Afghan winter begins to foreclose options," reported New York's *Daily News*. Actually, to be really realistic, U.S. forces had a window of two or three years: A third of a decade later, the "brutal Afghan winter" still hasn't shown up to foreclose options. As I write, it's 62 and partly cloudy in Kandahar, and 61 in Bost and Laskar, and in my corner of the Atlantic seaboard I won't be seeing temperatures like that for another four months.

But the whole point of all the earth-is-your-mother environmentalism is to inculcate an enfeebling passivity in the face of nature. There wouldn't be an America at all if the first settlers had heeded the warnings of Ye Olde Weather Channel about the brutal New England winter. In that sense, for all his other failings, I'll miss Hurricane Dan Rather's dispatches from turbulent coastal municipalities—not the parts of the show where he's reporting on the actual hurricane, but the bits where he does the other headlines of the day as if it's the most normal thing in the world to be reading "The Dow closed 13 points down today" while wrapped round a lamppost as the wind's howling and a rusting doublewide flies over your shoulder.

At such moments, Dan captures something important about the essence of America. Insofar as the "brutal Afghan winter" has any objective reality at all, all it means is that the key highway to Pakistan runs through some pretty high elevations, and has a tendency to get snowbound and impassable. Whether it needs to get *quite* so impassable is another matter. I like the Afghans, God bless 'em, but honestly it doesn't speak well for a culture to have lived in the same place for thousands of years and never got around to inventing the snowplow.

During the Afghan campaign, an Internet wag, Glenn Crawford, deftly summed up the different cultural approaches to unpromising climate—in this instance between the bleak Afghan plain and Nevada. Third World solution: eke a living out of the desert. American solution: "Viva Las Vegas!" One wouldn't commend a den of gambling and fornication to every spot on earth, but, driving through the Sunni Triangle, I couldn't help feeling the history of the Middle East would have been a little different if smack in the middle of the Arabian desert you could have seen Wayne Newton with full supporting orchestra. It would be to Afghanistan's benefit if someone opened a ski resort, and made the brutal Afghan winter pay its way.

That's what the Thais did: They made Phuket and Phi Phi Island the preferred vacation resorts for millions of Westerners. Economic reality dictates that poor people wind up providing services for richer people: In Mississippi, they work in Wal-Mart; in China, they manufacture stuff for Wal-Mart; in Sri Lanka, they make the brassieres for virtually every breast in the United Kingdom; in Thailand, they pour your banana daiquiris; in Afghanistan, they grow poppies. There are worse things than luxury tourism. To demand, as Mr. Ferrando does, that Thai beaches remain free of "commercialism" is to demand that the Thai people stay poor and dependent.

"The Earth Is Your Mother" is eco-babble. The Eighth Psalm gets a lot closer to the truth: "What is man that thou art mindful of him . . .? Thou madest him to have dominion over the works of thy hands . . ."

Just so. We're not here to be cowed by the environment. Rebuild the resorts in Phuket. And open one in the Hindu Kush. **NR**

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Relaxation therapy for your Feet

Visco-elastic foam has changed the way people sleep, now it helps the way you walk.

by Leigh Ligon

My feet hurt! How many times have you heard *or* said that...standing in line at the grocery store or simply while doing daily routine tasks? I feel like the older I get the more my feet ache. I've tried elevating my feet, soaking them in a hot water and expensive massage therapy—but to no avail. That's why I'm so excited to tell you about my recent discovery—CLOUD 10 Slippers!

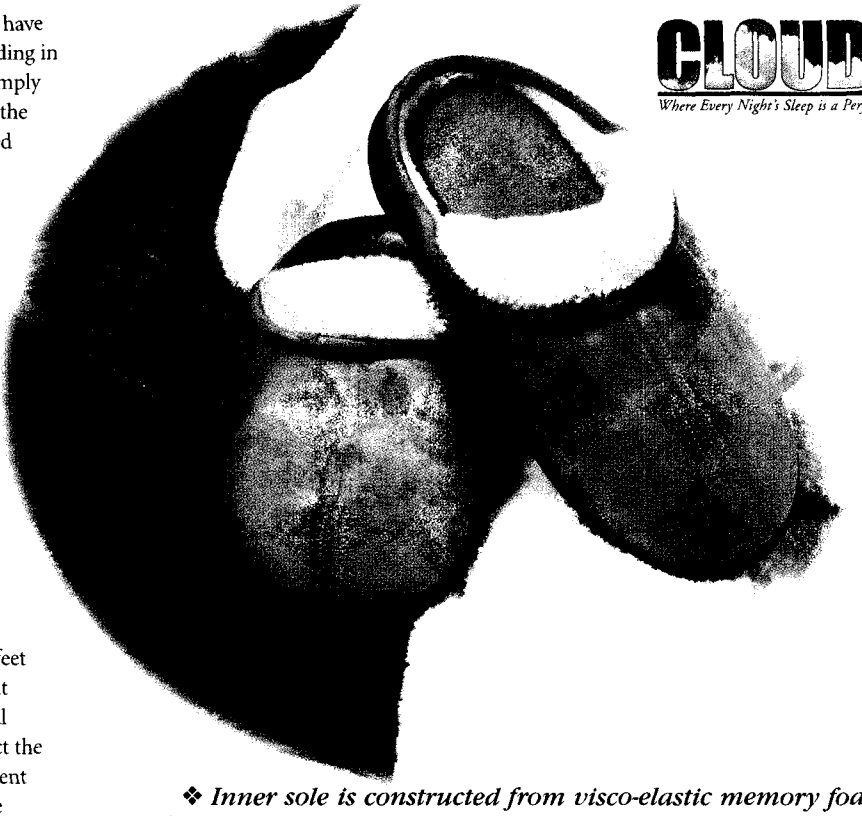
How did a NASA invention save my feet? From the moment I slipped them on, they molded to the shape of my feet like I had a custom fit pair of slippers made especially for me! The slipper's insole is made from visco-elastic memory foam originally created by NASA. This foam equalizes pressure, reduces stress and tension and provides incredible comfort.

According to the American Podiatric Medical Association, as people age, their feet tend to spread, and lose the fatty pads that cushion the bottom of the feet. Additional weight can affect the bone and ligament structure. These slippers mold to the contours of my feet through my body's heat and weight, literally cushioning every single step I take.

Technologically advanced slippers mold to the contours of your feet making each step feel like you're walking on Cloud 10!

Did you know that the average person takes 8,000 to 10,000 steps a day, which adds up to about 115,000 miles over a lifetime? That's enough to go around the circumference of the earth four times. No wonder we all have tired, aching feet.

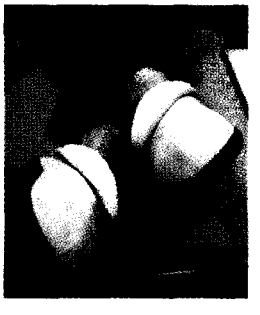
I've heard about similar kinds of slippers, but I couldn't afford to spend nearly $70 a pair. The Cloud 10 Slippers were a much better fit for my budget. The outer material of these stylish slippers is beautiful tan faux suede and they feature a cozy, fleece-lined interior and collar to provide added warmth. The durable rubber sole is perfect for my quick trips outdoors to grab the morning paper.



CLOUD 10
Where Every Night's Sleep is a Perfect 10

- ***Inner sole is constructed from visco-elastic memory foam***
- ***Body heat molds foam to cushion feet for maximum support***
- ***Super-soft, fleece lining provides added warmth***
- ***Durable rubber sole—perfect for quick outdoor trips!***

If you have arthritic feet like I do, you suffer from inflammation and pain in your joints. Our feet have to last a lifetime and I've decided to stop neglecting the part of my body that keeps me mobile.



These slippers have a unisex design making them great for both men and women. I wear my Cloud 10 Slippers every chance I get and my feet have never felt so pampered.

Sink your feet into luxury. We are so confident that CLOUD 10 slippers will cushion your feet in complete comfort that we will offer you a no-questions asked in-home trial for 30 days. If you're not 100% completely satisfied just return them for a full refund of the purchase price.

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